

October 5, 2007

**Th8c**

California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive, Suite 103, 619-767-2370  
San Diego, California 92108-4402

Attention: Ms. Sherilyn Sarb, District Manager and Ms. Deborah Lee, District Manager

**Subject: Bayshore Bikeway and the Historically-Designated Coronado Railroad.**  
California Coastal Commission Hearing, Thursday, October 11, 2007,  
Crowne Plaza Los Angeles Harbor Hotel, San Pedro, California  
Agenda Item 8c - Application No. 6-07-79 (San Diego Bayshore Bikeway)  
Application of City of San Diego, Engineering and Capital Projects, to construct 1.8  
mile segment of Bayshore Bikeway consisting of 12-ft. wide paved bikepath over  
abandoned railroad tracks on top of berm, two new steel truss bridges, fencing,  
signage, and relocation of haul road for South Bay Salt Works, at south San Diego  
Bay from the northern terminus of 13th Street to approximately the west terminus of  
Main Street, Otay-Mesa Nestor, San Diego, San Diego County. (DL-SD)

Reference: *Environmental Impact Report, Bayshore Bikeway Western Salt Segment, Project No. 1901, SCH No. 2002121129*, by the City of San Diego, dated August 8, 2007.

Dear California Coastal Commission:

The following is our citizens' report on the Bayshore Bikeway and the Historically-Designated Coronado Railroad. The City of San Diego has approved the Bayshore Bikeway plan through the Western Salt Segment with the city's staff recommendation to demolish of the existing wooden ties and steel plates of the Historically-Designated Coronado Railroad. Our recommendation to the California Coastal Commission is to approve the Bayshore Bikeway while preserving the historic integrity of the Coronado Railroad. Capping the railroad ties in-place will save time, money, and will be more environmentally sensitive to biological and historical resources. The Alternative to keep the wooden ties and steel rails in place was analyzed on Page 11-8 of the EIR and is shown in Figure 1. Excepts for the EIR include the following:

*Retain the Rail and Ties In Place. This alternative is identical to the proposed project, with the exception that the existing timber railroad ties located within the proposed bikeway corridor, would not be removed (removal of the timber ties is proposed as part of this project). This alternative has been rejected from further consideration because it presents potential maintenance problems. The timber ties are in various states of deterioration, and are expected to continue to deteriorate. The project would place compacted material over the ties, and the bike path would be expected to experience surface pavement deterioration (potholes, cracks, and surface level changes) over time, as the ties continue to deteriorate and crumble under the bike path surface, creating voids under the bike path users. Additionally, this alternative is rejected from further considerations because it does not reduce or avoid any significant impact associated with the proposed project, yet it would increase maintenance activity along the corridor.*

As stated in the EIR, the only reason that the wooden ties should be taken out is due to possible maintenance problems further down the road. Possible deterioration of the wooden ties on the  
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**LETTER OF OPPOSITION**

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elevated Otay River Berm has not been proven by the City of San Diego. In addition, the Historically-Designated Coronado Railroad would be significantly impacted by destroying the wooden ties and steel plates, and placing the steel rails in the same general area before adding additional soil and 4 inches of asphalt.

Two public meetings regarding the Western Salt Segment of the Bayshore Bikeway consisted of a Planning Commission Hearing on September 6, 2007, and a City Council Hearing on September 18, 2007.

The Environmental Impact Report consists of three separately bounded volumes. Only Volume I was distributed for citizen's review. Volumes IIA and IIB which consists of Technical Appendices were not found at the City's downtown and Otay Mesa-Nestor libraries, or the City of Imperial Beach library. We did not track down the Technical Appendices or receive copies until a week after the public hearings were finalized. Based on the testimony heard during the public hearings and the technical information in the EIR, the City of San Diego was given confusing testimony regarding Hazardous Waste and Hydrology conditions on-site, on which the Planning Commission and the City Council made their decision of approving the Statement of Overriding Consideration to destroy the historic integrity of the Coronado Railroad.

### **HAZARDOUS WASTE**

Volume IIB of the EIR includes the following two reports:

- *Appendix H1, Hazardous Waste Initial Site Assessment, Proposed Bayshore Bikeway, San Diego, California, Project No.104167003, prepared for Kimley-Horn and Associates, prepared by Ninyo & Moore, dated July 19, 2006.*
- *Appendix H2, Soil Assessment Report, Proposed Bayshore Bikeway, San Diego, California, Project No.104167004, prepared for Kimley-Horn and Associates, prepared by Ninyo & Moore, dated December 8, 2006.*

During the public testimony, in response a Planning Commissioner's question regarding the potential for hazardous waste (and the pros and cons of leaving the wooden ties in-place and capping; versus taking out the wooden ties and steel plates); an engineer erroneously summarized the referenced reports by Ninyo & Moore. The following link shows part of the public testimony. <http://www.youtube.com/watch?v=wT6yQO4jZMs>

*Along the railroad tracks we found some hazardous materials, but it was below the baseline. So it is almost kind of like a natural occurring. So there really was not a lot out there on the rail line that was concerning for hazardous materials at all. So, it was a pretty clean site... If there were any contaminates, they are not there anymore... On the railroad we did not find any hazardous materials evidence.*

This testimony is not corroborated by the referenced reports. Both referenced report assumed that the Historically-Designated Coronado Railroad would be capped in-place with minimal disturbance of the underlying soils beneath the tracks, therefore, no remediation for capping the ties in-place would be required. "Assuming the site will be paved, with little if any potential for exposure of the soil to the general public, remediation should not be required." Figures 2 and 3 are pages from the referenced reports. Written statements in the reports include the following:

*This assessment has indicated the following evidence of potential hazardous waste impacts that may be encountered during the proposed improvements: Based on the historical usage of the site as a railroad right-of-way (ROW), the potential exists for creosote-treated railroad ties to have been historically or currently present on the site. In addition, due to the fact that herbicides were often historically sprayed on railroad ROWs to prevent the growth of vegetation between railroad tracks, soil and/or groundwater at the site may have been impacted by pesticide and/or herbicide application or runoff. Based on the long-term usage of the site for a railroad ROW, equipment and materials often historically used in association with railroads, such as lead- and acid-containing batteries, ballast materials containing steel slab with potential regulated heavy metal concentrations, and railroad lubricators utilizing petroleum products, may have been used on the site... In addition, appropriate references to the potential to encounter contaminated soil or groundwater should be included in construction specifications... there is a possibility that PCB-containing equipment was historically used on or adjacent to the site. Therefore, the potential exists for soil underlying potential locations of these areas to have been impacted by leaks from these types of equipment.*

*Several Title 22 metals were detected in the soil samples collected... The soil sample collected from boring B-9 at a depth of 0.5 feet bgs contained DDD, DDE, and DDT at concentrations of 7.1, 36, and 6.3 micrograms per kilogram (ug/kg), respectively... Ten SVOCs were detected, all were PAHs, likely from the preservatives in the railroad ties... Based upon the analytical results of our soil sampling the summary and conclusions are listed below. If soils are disturbed during grading activities, workers will likely be required to perform activities in accordance with a SHSP and Community Health and Safety Plan due to the presence of contaminated soils. Soil evaluated during this assessment has been found to contain concentrations of PAHs and pesticides; therefore, if the soil is to be exported from the site, it may be considered a waste by the Regional Water Quality Control Board (RWQCB) and may require a report of waste discharge prior to disposal; alternatively, the analytical data for the soil may be submitted to a facility authorized to accept such wastes for approval of the facility. Appropriate stormwater mitigation measures should be implemented during and after the construction of the bikeway segment to minimize the potential for contaminated soil to be exposed and deposited in the adjacent surface water bodies surrounding the bikeway. The results of this assessment should not be interpreted as a complete assessment of all potential contaminated soil at the site.*

The public testimony erroneously interpreted the Hazardous Waste reports in the EIR. With the presence of contaminated soils, if the railroad is capped in place, then no mitigation measures are required. However, if the underlying soils are disturbed and the creosote-covered railroad ties are removed and handled, then additional safety measures are warranted. The additional safety measures due to removing the wooden ties and disturbing the underlying soils have not been addressed in the cost estimates or the construction plans. In conclusion, from a Hazardous Waste standpoint, the wooden ties and underlying soils should not be disturbed. The railroad should be capped in-place to reduce the potential for exposure to contaminated soils and ties during construction.

## HYDROLOGY

Volume IIB of the EIR includes the following report on the Hydrology of raising the elevation of the Otay River Berm:

- *Appendix F, Memorandum, Bayshore Bikeway Floodplain Elevations*, prepared by Kimley-Horn and Associates, dated December 7, 2006.

The following video link during Time 5 Hours, 5 Minutes to 5 Hours, 10 minutes shows the discussion regarding the Floodplain Elevation and how it relates to the Alternative solution of keeping the wooden ties in place, and the Statement of Overriding Consideration.. In the video testimony, the engineer stated that 12 inches above grade is the maximum elevation that the Bayshore Bikeway can be elevated before impacting the mobile homes to the south of the site, which were built in the floodway.

[http://granicus.sandiego.gov/ASX.php?view\\_id=3&clip\\_id=1571&r=80a57b35f434215a99839fd73a0aa02c&xp=y&intro=1&sn=granicus.sandiego.gov&sn=granicus.sandiego.gov](http://granicus.sandiego.gov/ASX.php?view_id=3&clip_id=1571&r=80a57b35f434215a99839fd73a0aa02c&xp=y&intro=1&sn=granicus.sandiego.gov&sn=granicus.sandiego.gov)

Figures 4 and 5 are pages from the referenced memorandum regarding the hydrologic model use to determine the Floodplain Elevations. Excerpts include the following:

*The proposed trail pavement will be placed over the existing rails, and will increase the height of the embankment approximately 0.5 feet above the top of the rail... The results of the HEC-RAS model show that the increase of the 100-year water surface elevation (WSEL) at the embankment (cross section #3) from the 0.5 foot elevation increase is only 0.1 foot. This is because the weir flow over the embankment attenuates the impact of the increase. At cross section #8, which is at the trailer park, there was no increase in water surface elevation from the construction of the trail... Conclusion: The only developed property in the floodplain is the trailer park. The hydraulic analysis shows that there is not an increase in the water surface elevation at the trailer park. Therefore, the Bayshore Bikeway as proposed will not impact the upstream developed property.*

Figure 6 is a photograph showing the current conditions of the Historically-Designated Coronado Railroad including the existing wooden ties, steel plates, and steel rails. The top of the wooden ties is considered existing grade. The steel rails and plates on top of the wooden ties are 5.5 inches in height. The HEC-RAS hydraulic model is based on an increase in elevation of 0.5 feet or 6 inches above the top of the existing steel rails. During the public testimony, the engineer stated that the elevation can only be raised 12 inches above existing grade, or 6 inches above the existing rail elevation, before an adverse effect is created.

The proposed alternative to keep the wooden ties in place would consist of laying down a Geogrid fabric, 8 inches of Cement-Treated Base, and 4 inches of Asphalt, for a total cross-sectional height of 12 inches above existing grade, or 6.5 inches above the steel rails. This is the height that the engineer stated was acceptable. No additional fill soil would be required. A difference of 0.5 inches or 0.04 feet is within construction tolerances. If needed, the base could be reduced from 8 to 7.5 inches to be exactly the height used in the HEC-RAS hydraulic model calculations, or the model can be run using an elevation of 0.54 feet instead of 0.50 feet to confirm that no adverse effects would be created by keeping the wooden ties in place. We would also recommend that regular Aggregate Base be used in place of Cement-Treated Base (CTB). As CTB is used to mainly for cohesive, clayey soils, and not the sandy, free-draining soil found on top of the elevated Otay River Berm under the location of the Historically-Designated Coronado Railroad.

## SCOPE OF WORK OF THE TWO ALTERNATIVES

There are two alternative for the project. The first is the staff recommendation to take out the Historically-Designated wooden ties and steel plate of the Coronado Railroad. The other alternative is to cap the existing railroad in-place as this was the agreed to solution before the EIR was released.

The City of San Diego staff recommendation to take out the wooden ties would be historically and environmentally damaging because of the extra non-value added steps to the process. Both process start with clearing and grubbing and end with 4 inches of asphalt on top. It will take a lot of extra effort and work to separate the rails from the ties on the elevated Otay River Berm. This includes:

- After clearing and grubbing, construction crews will have to remove the steel spikes that are holding the steel rails and the tie-plate to the wooden ties,
- Unbolt and remove the rail joiners, which keep the rails together (this step may need torching to unbolt the rusted steel),
- Removing the steel plates,
- Dig out the wooden ties and disposing of the hazardous waste and contaminated, disturbed soil,
- Place the steel rails back in the ground,
- Import additional clean dirt and compact the loose, disturbed soil before adding the 4 inches of asphalt on top.

The alternative to retain the Historically-Designated Coronado Railroad in place was analyzed on Page 11-8 of the EIR and includes the following steps:

- After clearing and grubbing, construction crews will lay down an 8-foot wide Geogrid fabric,
- Approximately 8 inches of imported Base will be placed on top of the Geogrid fabric before adding the 4 inches of asphalt on top.

Extra steps of unbolting steel tie plates, unbolting rails, digging out wooden ties, contaminated soils and hazardous waste compliance, recompacting top foot of disturbed, loose soil and replacing rails on top of compacted fill will create a greater time period for construction in a wildlife corridor. It would be easier, less expensive, and faster to cap the Historically-Designated Coronado Railroad in place.

## MAINTENANCE AND SAFETY

The only reason stated in the EIR for taking out the wooden ties was the possibility of deterioration of the wooden ties resulting in possible maintenance issues in the future. If there is deterioration of the wooden ties then there will be a health and safety problem. If there is no deterioration under the asphalt and based capped wooden ties, then there will be no health and safety problem.

The adjacent stretch of the Bayshore Bikeway located in Imperial Beach was built in the mid-1990s. The Imperial Beach section has kept the wooden ties and railroad in-place and capped the archeological resource using regular aggregate base over asphalt for their section adjacent San Diego Bay, which at times is at a lower elevation than the elevated Otay River Berm. According to public testimony and a letter from engineers at Imperial Beach, they have not experienced maintenance problem due to deterioration of the wooden ties that were left in place before being capped by base and asphalt. The letter from Imperial Beach states that they have not had maintenance problems or deteriorating wooden ties on their section of bikeway adjacent the marsh land of San Diego Bay. The City of San Diego does not have proof that the existing competent wooden ties on the elevated Otay River Berm will rot and deteriorate, causing maintenance and safety problems based on the history of the Imperial Beach section of the Bayshore Bikeway.

Wood rots due to cyclical wetting and drying. In areas of tidal influence, wood rotting is prevalent. In area on top of the elevated Otay River Berm, the ties are in good shape, because they have not been subject to cyclical wetting or tidal influence. According to the EIR, the elevated Otay River Berm is located 15 to 20 feet above the marsh, and 10 to 15 feet above MSL.

As seen in Figure 7, a total of 3,215 linear feet of the Historically-Designated Coronado Railroad Belt Line (CBL) is located on the elevated Otay River Berm where vegetation consists of Disturbed Diegan Coastal Sage Scrub (DDCSS – Purple Color). Diego Coastal Sage Scrub will not grow on marshy soils, but on free-draining soils as found on the top of the Otay River Berm. At this location, the wooden ties are in good condition and not prone to cyclical wetting or tidal influences. Taking out the competent wooden ties on top of the elevated Otay River Berm does not make sense and creates many non-value added steps to the process.

## HISTORIC INTEGRITY

Statements made in the Draft CEQA Findings and Statement of Overriding Consideration prepared by the City of San Diego, dated August 2007 include the following:

- Project Objectives include: “Maintain (cap) the existing railroad rail and bridges so as to preserve the locally-designated historic resource.”
- The City of San Diego states by taking out the wooden ties and steel plates that the Historically-Designated Coronado Railroad “components would not be removed.”
- “The alteration would not be permanent and would essentially result in preservation for future possibilities.
- “The removal of the locally-designated historic features of the CBL (rails and bridges) is not considered environmentally feasible because such an alternative would result in a significant permanent historic resources impact.”
- “Therefore, the proposed project would preserve the historic features of the CBL in place. This construction method is potentially reversible, and would leave the resource available for future preservation options.

The Bayshore Bikeway project must be reversible to meet the Secretary of the Interior's Standards for treatment of historical properties. As designed, the project is not reversible. However, the alternative is of capping the Historically-Designated Coronado Railroad is reversible and would be in conformance with the Secretary of Interior's Standards. By choosing the alternative, the railroad can be kept as an archeological site in-place with minimal disturbance. The integrity of the railroad would be intact and the actions would be reversible.

Taking out the wooden ties and metal rail plates will destroy the historic integrity of the archeological resource which would not be a reversible process. Instead, the whole of the railroad including the wooden ties on top of the elevated Otay River Berm should be retained in-place and capped with asphalt.

### WILDLIFE AND ENVIRONMENTAL CONCERNS

The project is in, and adjacent to Environmentally Sensitive Lands which include "Special Flood Hazard Areas, sensitive biological resources, and a USFWS Refuge. Statements made in the Draft CEQA Findings and Statement of Overriding Consideration prepared by the City of San Diego, dated August 2007 include the following:

- "Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR."
- Project Objectives include "Design and implement a project with the intention of minimizing impact to sensitive biological resources."

The extra, non-value added steps of taking out the rusted steel spikes, unbolting rail joiners and steel tie plates, digging out wooden ties and removing them off-site as hazardous waste, working in disturbed soil considered contaminated, importing and recompacting clean soil, and replacing steel rails on top of compacted fill will create a greater time period for construction. These additional steps will possibly create a hazardous waste situation, and will create more noise. The USFWS Game Warden wants the City in and out ASAP to not affect the endangered birds in the area.

It would take much less time and money to cap the Historically-Designated Coronado Railroad in place by placement of a Geogrid fabric and Aggregate Base. Capping in place would be more environmentally sensitive than taking out the wooden ties.

### COSTS

The City of San Diego staff's recommendation will make the project more expensive by adding non-value added steps to the process. An earlier cost estimate for keeping the ties in place and capping the Historically-Designated Railroad would have saved the City approximately \$300,000 in construction cost. Now the City is saying that the additional cost for the Geogrid fabric and CTB is \$177,000.

We have looked at the cost estimate for both alternatives. We recommend using different values in some areas including the following:

- Only regular aggregate base is needed, not Cement-Treated Base (CTB) as was recommended by the City of San Diego. Cement-Treated Base is used to stabilize expansive, clayey soil. On the elevated Otay River Berm, there is only non-expansive sandy soils are present. The engineer who designed the Imperial Beach section of the Bayshore Bikeway recommends using regular Aggregate Base, and not CTB because of the engineering properties and brittle nature of CTB. In addition the cost of Aggregate Base is approximately 80% the cost of the more expensive CTB, or a 20% reduction in cost for the Base.
- The City of San Diego's cost estimate forgot to take out the linear feet of the two bridges. We agree with the City that the area adjacent Imperial Beach before the southern bridge is deteriorated, and at this location only, the wooden ties should be taken out. Instead of 3,725 linear feet, the area on the elevated Otay Mesa Berm should be reduced to 3,215 linear feet. This is approximately 86 percent of the total ( $3,215/3,725 = 86.3\%$ ) or a reduction of 14% of the area.
- In their calculations, the City used a 12-foot wide path for both the Geogrid and the Base to prevent deterioration and settling of the wooden ties. The bike path is 8 feet wide, with two foot shoulders on either side. An 8-foot wide section of both Geogrid and Base should be used instead of 12 feet. This is approximately 67 percent of the total ( $8/12 = 67\%$ ) or a reduction of 33 percent of the width needed.

Based on using Aggregate Base instead of CTB, 3,215 linear feet instead of 3,725 linear feet, and an 8-foot wide section of Geogrid fabric and Base instead of a 12-foot wide section, the original cost differential of \$177,000 is reduced to \$89,856. This is approximately 50 percent of the original cost differential.

The new \$89,856 cost differential does not take the contaminated soils or hazardous material handling into account. The new cost differential also does not take into account all the non-value added steps such as: remove the steel spikes by hand; unbolting and removing the rail joiners; removing the steel plates; digging out the wooden ties and disposing of the hazardous waste and contaminated, disturbed soil; placing the steel rails back in the ground; importing additional clean dirt; and compact the loose, disturbed soil before adding the 4 inches of asphalt on top.

In conclusion the cost saving for either alternative would be approximately the same. More likely, the cost to capping the Historically-Designated Coronado Railroad in place would save the City of San Diego money.

In conclusion, the Bayshore Bikeway is a great project for San Diego, as long as the project retains the historic integrity of the Historically-Designated Coronado Railroad. By retaining the wooden ties in-place, the project will be cheaper, environmentally friendly, and historically sensitive.

Regards,

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The report contemplates that in the event of major reconstruction of the railroad facilities (in order to support a new rail service) a service or construction road could be graded adjacent to the tracks and within the R/W, and at the time construction is completed, the roadway could be abandoned by the railroad and then utilized as a bike trail. This alternative is rejected as an alternative to the proposed project because it: 1) would result in a much larger area of impact to wetlands as a result of a much wider graded area and the need to rebuild the existing trestle bridges, and, 2) the railroad would likely require that a permanent maintenance access road be maintained along the reconstructed rail line in order to properly maintain the line and reconstructed bridges. This would preclude the use of the construction access road as a bike path.

Another alternative concept identified in the San Diego Rail Partners report is outrigging wooden trestles. This alternative could be constructed using two techniques, either: 1) timber girders that would extend out from under the rail tracks (providing more width to the corridor, but not necessarily requiring embankment fill along the entire 1.8-mile segment), or, 2) installing additional piles approximately 25 feet from the track centerline and connecting the cross-limbers to the existing bridge superstructure. A deck would then be laid on the cross-limbers to accommodate the bicycle trail. However, this alternative concept is rejected as an alternative to the proposed project because it would result in a much larger area of impact to wetlands as a result of a much wider graded area and more permanent fill into wetland areas than would result from the proposed project.

Other alternatives identified include concrete sleeving of wooden pile trestles, outrigging concrete retrofit trestles, and replacing existing bridges with box culverts and/or tubular culverts. However, these alternatives are also rejected as they would all involve permanent impacts to wetlands that are not associated with the proposed project.

#### **Retain Rail and Ties In Place**

This alternative is identical to the proposed project, with the exception that the existing timber railroad ties located within the proposed bikeway corridor, would not be removed (removal of the timber ties is proposed as part of the project). This alternative has been rejected from further consideration because it presents potential maintenance problems. The timber ties are in various states of deterioration, and are expected to continue to deteriorate. The project would place compacted material over the ties, and the bike path would be expected to experience surface pavement deterioration (potholes, cracks, and surface level changes) over time, as the ties continue to deteriorate and crumble under the bike path surface, creating voids under the bike path users. Additionally, this alternative is rejected from further consideration because it does not reduce or avoid any significant impact associated with the proposed project, yet it would increase maintenance activity along the corridor.

## EXECUTIVE SUMMARY

In general accordance with our proposal number 104167003, dated May 18, 2006, and your authorization to proceed, Ninyo & Moore has prepared this Hazardous Waste Initial Site Assessment (ISA) for the evaluation of hazardous wastes within the boundaries of the proposed Bayshore Bikeway in the city and county of San Diego, California.

The site consists of approximately 7,300 feet of abandoned railroad track situated atop a low earthen dike between salt evaporators, drainage channels, and salt marsh wildlife areas in San Diego, California. The site is located at the southern end of San Diego Bay, near the mouth of the Otay River, and along the eastern edge of salt evaporation ponds owned or leased by Western Salt Corporation. Based on a review of historical sources, the site vicinity has consisted primarily of salt evaporation ponds, wildlife preserve/wetland marshes, wetlands, and undeveloped land.

This assessment has indicated the following evidence of potential hazardous waste impacts that may be encountered during the proposed improvements:

- Based on the historical usage of the site as a railroad right-of-way (ROW), the potential exists for creosote-treated railroad ties to have been historically or currently present on the site.
- In addition, due to the fact that herbicides were often historically sprayed on railroad ROWs to prevent the growth of vegetation between railroad tracks, soil and/or groundwater at the site may have been impacted by pesticide and/or herbicide application or runoff.
- Based on the long-term usage of the site for a railroad ROW, equipment and materials often historically used in association with railroads, such as lead-and acid-containing batteries, ballast materials containing steel slag with potential regulated heavy metal concentrations, and railroad lubricators utilizing petroleum products, may have been used on the site.
- A sewage disposal facility was depicted approximately 700 feet southeast of the site in historical topographic maps dated 1967 to 1975. Therefore, sewage may have been previously discharged to the Otay River or other surface waters/marshes in the vicinity of the site.

Based on the information provided above, sampling to characterize soil for the presence of PAHs, pesticides and/or herbicides, heavy metals, or other constituents of concern prior to soil export or reuse is recommended. Prior to initiation of excavation activities at the site, a soil and/or groundwater management plan should be prepared that would address the notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances that may be encountered during future construction or dewatering activities. Ninyo & Moore recommends that further assessment be performed at the site if discolored soil or other potential environmental issues are encountered at the site during future excavation/construction activities. In addition, appropriate references to the potential to encounter contaminated soil or groundwater should be included in construction specifications.

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Ninyo & Moore

Figure 2 – Bayshore Bikeway Western Salt Segment, Environmental Impact Report, Volume IIB, Appendix H1, Hazardous Waste Initial Site Assessment, by Ninyo and Moore, Executive Summary, Page 1.

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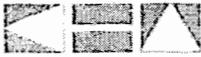
## 6. SUMMARY AND CONCLUSIONS

Based upon the analytical results of our soil sampling the summary and conclusions are listed below.

- If soils are disturbed during grading activities, workers will likely be required to perform activities in accordance with a SHSP and Community Health and Safety Plan due to the presence of contaminated soils.
- Soil evaluated during this assessment has been found to contain concentrations of PAHs and pesticides; therefore, if the soil is to be exported from the site, it may be considered a waste by the Regional Water Quality Control Board (RWQCB) and may require a report of waste discharge prior to disposal; alternatively, the analytical data for the soil may be submitted to a facility authorized to accept such wastes for approval into that facility.
- Additional soil sampling and analysis may be required for the soil to be accepted at an approved disposal facility, depending on the requirements of the facility.
- Appropriate stormwater mitigation measures should be implemented during and after the construction of the bikeway segment to minimize the potential for contaminated soil to be exposed and deposited in the adjacent surface water bodies surrounding the bikeway.
- The results of this assessment should not be interpreted as a complete assessment of all potentially contaminated soil at the site. Rather, the results of this assessment should be used in conjunction with a soil management plan and oversight by a qualified environmental professional during grading, as a guide for remediation activities and additional assessment if additional potentially contaminated soil is encountered during site grading.

## 7. LIMITATIONS

The environmental services described in this report have been conducted in general accordance with current regulatory guidelines and the standard-of-care exercised by environmental consultants performing similar work in the project area. No warranty, expressed or implied, is made regarding the professional opinions presented in this report. Variations in site conditions may exist and conditions not observed or described in this report may be encountered during subsequent activities. Please also note that this study did not include an evaluation of geotechnical conditions or potential geologic hazards.



*Memorandum*

To: Frank Gaines, P.E. – City of San Diego

From: Chuck Spinks, P.E.

Date: December 7, 2006

Subject: Bayshore Bikeway Floodplain Elevations

517 Fourth Avenue  
Suite 301  
San Diego, California  
92101

The City of San Diego is planning to construct a multi-use trail on the old San Diego & Imperial Valley RR roadbed. A portion of this trail could be on the raised railroad embankment that crosses the Otay River floodplain west of Interstate 5. The proposed trail pavement will be placed over the existing rails, and will increase the height of the embankment approximately 0.5 feet above the top of rail. The purpose of this analysis is to determine the impact of this increase in elevation on the upstream water surface elevations. There are currently two trailer parks within the FEMA 100-year floodplain that are potentially impacted by the construction of the trail.

In order to assess the impact on the upstream 100 year water surface elevation, Kimley-Horn (KHA) prepared a HEC-RAS hydraulic model of the Otay River and surrounding floodplain. The study reach was from approximately 1,200 feet downstream of the embankment to I-5, a total distance of approximately 6,000 feet. A cross section along the top of the railroad embankment was created for the KHA model using precise elevations from the design plans. The railroad embankment acts as a barrier and a weir for the upstream flows, and is the hydraulic control that impacts upstream water surface elevations. The area upstream of the embankment is hydraulically complicated with several levees, channels, and constriction points that required careful modeling. The model includes a lateral weir along the embankment to reflect the overflow of the embankment from flow that is constrained by the upstream levee.

The FEMA study did not model the railroad embankment. The Attached Exhibit A identifies FEMA's Limit of Study. The Limit of Study is tied to the embankment at its right limit (northern embankment), but crosses the floodplain upstream of the railroad. The FEMA Study therefore does not reflect the hydraulic impact of the railroad embankment. Because the FEMA cross sections do not accurately reflect the hydraulics of the floodplain, we did not use the FEMA hydraulic model cross sections in creating the KHA model. The KHA HEC-RAS model is also based on more recent topographic data than the FEMA FIRM Map. The new mapping is at a scale of 1" = 200' with two-foot contours.

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Figure 4 – Bayshore Bikeway Western Salt Segment, Environmental Impact Report, Volume IIB, Appendix F, Bayshore Bikeway Floodplain Elevations, by Kimley-Horn and Associates, Memorandum, Page 1.

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The flows used for the analysis are from the FEMA study. The FEMA study does not have a flow concentration point at the downstream limit of the study, so we combined the Otay River 100-year flow of 22,000 cfs with the Nestor Creek 100-year flow of 1,093 cfs, for a total of 23,093 cfs. The confluence of these two flows occurs between cross section #7 and #8 as shown in the HEC-RAS Plan View and **Exhibit A**. This is a conservative flow value since the peak from the smaller Nestor Creek watershed would not occur at the same time as the Otay River peak flow.

The results of the HEC-RAS model show that the increase of the 100-year water surface elevation (WSEL) at the embankment (cross section #3) from the 0.5 foot elevation increase is only 0.1 foot. This is because the weir flow over the embankment attenuates the impact of the increase. At cross section #8, which is at the trailer park, there was no increase in water surface elevation from the construction of the trail. The attached HEC-RAS output table summarizes the difference in WSEL and **Exhibit A** displays each cross-sections locations.

**Conclusion:** The only developed property in the floodplain is the trailer park. The hydraulic analysis shows that there is not an increase in the water surface elevation at the trailer park. Therefore, the Bayshore Bikeway as proposed will not impact the upstream developed property.

The attached documents include:

- The HEC-RAS Output Summary Table
- The HEC-RAS River Plan View
- The HEC-RAS WSEL profile
- The HEC-RAS Cross Sections
- Aerial Photo Graph
- FEMA Firms (4)
- **Exhibit A** showing the KHA HEC-RAS Cross Sections and floodplain boundaries superimposed on the FEMA map.

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Figure 5 – Bayshore Bikeway Western Salt Segment, Environmental Impact Report, Volume IIB, Appendix F, Bayshore Bikeway Floodplain Elevations, by Kimley-Horn and Associates, Memorandum, Page 2.

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



# Th 8c

Filed: September 26, 2007  
49th Day: November 14, 2007  
180th Day: March 24, 2007  
Staff: D. Lilly-SD  
Staff Report: October 5, 2007  
Hearing Date: October 10-12, 2007

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-07-79

Applicant: City of San Diego, Engineering and Capital Projects

Agent: Tim Gnibus

Description: Construction of an 1.8 mile segment of the Bayshore Bikeway consisting of a new 12-foot wide paved bike path on the unused railroad tracks on the Otay River Berm, two new steel truss bridges on top of the existing wooden railway bridges, fencing, signage, and relocation of the existing haul road for the South Bay Salt Works on the Main Street Dike to the railroad right-of-way to the north.

Site: Salt pond dikes from approximately the northern terminus of 13th Street to approximately the west terminus of Main Street, San Diego, San Diego County. APN 616-021-02, 616-021-10, 621-010-02, 621-020-02, 03, 05, 06.

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STAFF NOTES:

The proposed project is construction of a 1.8 mile segment of the Bayshore Bikeway next to the South Bay Salt Works in the City of San Diego. The Bayshore Bikeway is an existing and planned 24-mile long continuous bicycle route located around the perimeter of San Diego Bay. The coastal development permit application was received in July 2007. At that time, the application did not contain the biological resources analysis, a wetlands delineation, storm water pollution prevention plan, resource agencies comments and responses, and other EIR technical studies, and documentation of the property ownership/permission to proceed. Also, the project had not received final discretionary approval from the City of San Diego. In late August and September, the above information was submitted to Commission staff. On September 18, the City of San Diego approved a site development permit for the project. The file was deemed complete on September 26, 2007. Because the project has a limited construction window (October 1 through February 14 of any year), due to the need to avoid disturbing sensitive nesting bird species, at the direction of the Chairman and the Executive Director, the project has been placed on the October agenda and this staff report is being distributed later than other items for the October meeting.

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project, with special conditions. However, staff is recommending that the project undergo further consultation with the U.S. Fish and Wildlife Service and the Department of Fish and Game regarding the proposed 7-foot high fence proposed on both sides of the bike path. Further analysis of alternatives may allow for the re-siting of the fence in a manner that would lower the elevation of fence as viewed from the bike path, thereby reducing the impact the fence will have on the scenic and recreational value of the path.

In addition, staff is recommending that the City's proposed mitigation plan for the removal of 1.35 acres of Coastal Sage Scrub (CSS) be revised. The proposed plan consists of either contributing to an off-site habitat restoration fund, or planting new cholla cactus at a 1:1 ratio. However, given the highly sensitive nature of the biological resources on and adjacent to the project site, the Commission's staff resource ecologist has determined that the mitigation off-site is not acceptable, and merely planting cholla cactus alone would not create a functioning CSS habitat. Special Conditions require that the City restore, on-site, 2.7 acres (2:1 ratio) of ruderal habitat to a functioning CSS habitat by removing invasives and planting a CSS palette of native plants. Only as conditioned can the impacts to CSS and sensitive bird species be found consistent with the Coastal Act.

Standard of Review: Chapter 3 policies of the Coastal Act

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Substantive File Documents: Certified Otay Mesa-Nestor Community Plan; City of San Diego Municipal Code; City of San Diego Bayshore Bikeway Site Development Permit No. 3276; Bayshore Bikeway Western Salt Segment Final EIR, August 2007, by BRG Consulting, Inc.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-07-79 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. Standard Conditions.**

See attached page.

**III. Special Conditions.**

The permit is subject to the following conditions:

**1. Revised Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, final plans for the proposed development that are in substantial conformance with the plans submitted with this application by Kimley-Horn and Assoc., Inc. dated February 13, 2007, except that they shall be revised as follows:

a. Fence Alignment. The alignment of any approved chain link fencing shall be located as far downslope from the bikeway as possible within MTS right-of-way, or, if approved by U.S. Fish and Wildlife Service, within the Wildlife Refuge to preserve scenic views from the bikeway and protect sensitive habitat areas.

b. Staking Plan. Staking of all sensitive habitats outside the project footprint to avoid construction impacts to coastal sage scrub and other sensitive upland plant communities, as well as wetlands, including salt marsh, brackish marsh, riparian scrub and freshwater seep. Construction crews shall be educated regarding the importance of these habitats and need for protection.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to the coastal development permit unless the Executive Director determines that no amendment is legally required.

**2. Fence Height. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall arrange for further consultation between Commission staff, the applicant and representatives from the U.S. Fish and Wildlife Service to identify a reduced fence height and potential alternative design that will mitigate the visual impact of the proposed fencing on scenic views from the bikeway, and still provide adequate security and protection of sensitive resources within the Wildlife Refuge. The revised fence height and design shall be subject to review and approval by the Executive Director. Failure to reach agreement on a reduced fence height shall require an amendment to this coastal development permit to be reviewed by the Commission.

**3. Post-Construction Wetlands Survey.** The existing condition of the wetland vegetation and substrate along the proposed bike path has been documented. The extent of impacts to the vegetation and substrate shall be assessed and documented in a post-construction survey 90 days after the completion of the project to determine actual impacts. If no permanent or long-term impacts have occurred, no mitigation will be necessary. This will allow for the potential natural restoration of areas subject to temporary construction impacts. Mitigation measures will be necessary if any impacts are detected by the 90-day post-construction survey, as follows.

- a. If the 90-day post-construction survey identifies that temporary impacts remain, the area shall be revegetated at a 1:1 ratio.
- b. If the 90-day post-construction survey identifies that permanent wetland impacts have occurred, a permit amendment is required to address the identified impacts. Mitigation shall be provided for any identified permanent wetland impacts at a ratio of not less than 4:1.
- c. The following goals, objectives, and performance standards apply for any necessary restoration:
  1. The applicant must fully restore all wetland impacts that are identified as temporary, beyond the 90 day self-recovery period. Restoration of temporarily impacted areas shall include at a minimum, restoration to before-impact hydrology, removal of all non-native plant species, and replanting with locally collected native wetland species.
  2. Success criteria and final performance monitoring shall provide at least a 90% coverage of areas disturbed by construction activities within 1 year of completion of construction activities.
    - a) The final design and construction methods that will be used to ensure the restoration sites achieve the defined goals, objectives, and performance standards.
    - b) Submittal, within 30 days of initial restoration work, of post-restoration plans demonstrating that the revegetated areas have been established in accordance with the approved design and construction methods.

- c) A survey taken 1 year after revegetation identifying the quantity and quality of the restored plants. If the survey demonstrates the revegetation has been unsuccessful, in part or in whole, the survey shall include a plan for remediation and further surveys / reports until the site(s) are fully restored.
- d. All surveys, reports or other documentation of the post-construction impacts shall be submitted to the San Diego office of the Coastal Commission within 30 days of completion.

The permittee shall undertake development in accordance with the approved restoration plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to the coastal development permit unless the Executive Director determines that no amendment is legally required.

**4. Staging Areas/Construction Timing. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and written approval detailed plans incorporated into the construction bid documents for the location of staging areas and of access corridors to the construction sites. The plans shall include, at a minimum, the following:

- a. No storage of equipment, construction materials, or excavated materials shall occur within wetlands, native upland vegetation areas outside the project footprint, or on any public trail remaining open during construction. Any stockpiles of graded spoils shall be located away from drainage courses, covered at all times, and contained with runoff control measures, until exported from the site to a City of San Diego landfill.
- b. Unless authorized by the California Department of Fish and Game (DFG) or the U.S. Fish & Wildlife Service, no work shall occur during the breeding seasons of any threatened or endangered avian species nesting in the vicinity. A construction schedule shall be submitted documenting all work that can occur outside of the breeding seasons.
- c. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. Staging site(s) shall be removed and/or restored immediately following completion of the development.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**5. Other Permits/Approvals. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the permittee shall provide to the Executive Director copies of all other required state or federal discretionary permits or other agencies or property owner approvals, such as permits from the U.S. Army Corps of Engineers and the California Department of Fish and Game, the Memorandum of Understanding between the City of San Diego and MTDB for the portion of the new alignment within the MTDB right-of-way, and the public easement with South Bay Salt Works. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

**6. Revised Coastal Sage Scrub Restoration Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final detailed coastal sage restoration plan to the Executive Director for review and written approval. The plan shall be developed in consultation with the California Department of Fish and Game (CDFG) and/or the U.S. Fish and Wildlife Service, and shall include the following:

- a. A detailed site plan of the impact area that substantially conforms to the Biological Resources Analysis by Terra Environmental Services dated April 13, 2007. The final plan must delineate all impact areas, the types of impact (both permanent and temporary), the species that will be permanently or temporarily impacted, and the exact acreage of each identified impact.
- b. A description of how the site will be secured (e.g., dedication, easement, deed restriction, etc.).
- c. A detailed restoration and monitoring plan for the coastal sage scrub mitigation that includes:
  - **Goals of the Restoration.** A clear statement of the goals of the restoration, including the desired coastal sage scrub community, major vegetation components, and wildlife support functions. There should be a clear narrative description of the characteristics of the habitat type that the restoration is intended to provide.
  - **Description of the Existing Habitat.** The plan should include a quantitative description of the chosen restoration site. This information is necessary in order to assess whether the proposed restoration site is appropriate for this use.
  - **Characterization of the Desired Habitat.** Although the characteristics of the model habitat may be based on descriptions in the literature, the best approach is to identify an actual habitat that can act both as a model for the restoration and as a reference site for developing success criteria. The reference habitat should be sampled using the methods that will be applied to the restoration site. The resultant data should be included in the Restoration and Monitoring Plan.

- Restoration Manager. A qualified individual who will be personally responsible for all phases of the restoration should be identified by name as the restoration manager. Different phases of the restoration should not be assigned to different contractors without onsite supervision by the restoration manager. The restoration manager should be a qualified restoration biologist, not a project manager with no technical background.
  - Grading Plan. If the topography must be altered, a formal grading plan should be included.
  - Erosion Control. Methods to control erosion and maintain water quality should be included if soil or other substrate will be significantly disturbed during the course of the restoration.
  - Weed Eradication Plan. One of the greatest threats to the success of restoration projects is invasion by exotic species. If the site chosen for a restoration project is currently dominated by weeds, weed eradication should precede restoration. After restoration takes place, weeding should be very frequent (usually monthly and then quarterly) and intense (zero tolerance) until the native vegetation is sufficiently well-established to resist continued colonization by exotics. Weeding should generally be done by hand and must be supervised by a restoration biologist to insure that the native plants are not disturbed.
  - Planting plan. The plan should identify the natural habitat type that is the model for the restoration and describe the desired relative abundance of particular species in each vegetation layer. Based on these goals, the plan should identify the species that are to be planted (plant “palette”), and provide a rationale for and describe the size and number of container plants and the rate and method of seed application. Plant propagules should come from local native stock. If plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars and the planting plan should provide specifications for preparation of nursery stock (e.g., container size & shape to develop proper root form, hardening techniques, watering regime, etc.) Technical details of planting methods (e.g., spacing, mycorrhizal inoculation, etc.) should also be included.
  - Irrigation Plan. If supplemental watering is planned, the method and timing of watering should be described. All irrigation infrastructure must be removed by the end of the monitoring period.
- d. The following goals, objectives, and performance standards for the restoration (mitigation) site:
1. Restoration of a minimum 2.7 acres in-kind mitigation for all Coastal Sage Scrub impacts (permanent and temporary).

2. The coastal sage scrub at the restoration site should be similar to nearby, relatively undisturbed stands of CSS in both species composition and ground cover in 5 years.
- e. Provisions for submittal, within 30 days of completion of initial planting work, of “as built” plans demonstrating that the restoration site has been established in accordance with the approved design and construction methods

The permittee shall undertake development in accordance with the approved restoration plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**7. Final Monitoring Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final detailed monitoring program for monitoring of the wetland and coastal sage restoration sites for review and written approval of the Executive Director. The applicant shall develop the program in consultation with the U.S. Department of Fish and Game and the U.S. Fish and Wildlife Service as appropriate. The monitoring program shall, at a minimum, include the following:

- a. Provisions for monitoring the survival and success of all wetland and coastal sage scrub restoration areas:
  - Monitoring. There are two basic purposes for a monitoring plan. The first is to provide data that will guide the restoration and enable an adaptive management plan that will increase the likelihood of the restoration being a success. The second is to provide the data that will allow regulatory agencies to determine if there has been compliance with the terms and conditions of the permit. The permit applicant is responsible for the success of the restoration, so the requirements for interim monitoring are generally less stringent than the requirements for final monitoring to assess “success.”
  - Interim Monitoring Plan. An interim monitoring plan should include maintenance and remediation activities, interim performance goals, assessment methods, and schedule. In general, monitoring should be monthly until plants are established and quarterly thereafter. Weeding should be frequent, with a “zero tolerance” policy throughout the monitoring period. Photographs should be taken from fixed points on fixed azimuths during each monitoring period. Quantitative monitoring should take place once a year.
  - Final Monitoring Plan. Final monitoring is intended to determine whether the restoration has been successful. In order to help insure that the restoration is self-sustaining, final monitoring for success should take place after 5 years with no remediation or maintenance activities other than weeding. The plan should include a statement to that effect. The final monitoring plan will include specific

ecological performance or “success” criteria that relate logically to the restoration goals. Generally, these criteria will include standards for species diversity of both perennial and annual plants, vegetative cover, and approximate dispersion patterns of major species. Success criteria should insure that the major structure-producing species that characterize the habitat are present and that there is an appropriate diversity of species in each vegetation layer. In some cases, habitat elements necessary for particular wildlife species may be specified. Wetlands should have hydrological criteria.

- b. Provisions assessing the initial biological and ecological status of the “as built” restoration sites within 30 days of establishment of the restoration sites in accordance with the approved plans. The assessment shall include an analysis of the performance standards that will be monitored pursuant to the program, with a description of the methods for making that evaluation.
- c. Provisions to ensure that remediation will occur within 60 days of a determination by the permittee or the Executive Director that monitoring results indicate that the mitigation or restoration sites do not meet the goals, objectives, and performance standards identified in the approved programs.
- d. Provisions for monitoring and remediation of the restoration sites in accordance with the approved final restoration programs for a period of five years, commencing upon submittal of the “as built” analysis.
- e. Provisions for submission of annual reports of monitoring results to the Executive Director for the duration of the required monitoring period, with the first annual report due one year after submission of the “as-built” analysis. Each report shall also include a “Performance Evaluation” section evaluating the status of the mitigation and restoration projects in relation to the performance standards.
- f. Provisions for submission of final monitoring reports to the Executive Director at the end of the five-year reporting period. The final reports must be prepared in consultation with a qualified biologist. The reports must evaluate whether the mitigation and restoration sites conform to the goals, objectives, and performance standards set forth in the approved final mitigation and restoration programs.

If the final reports indicate that the restoration projects have not met all approved performance standards, the applicant shall submit a revised or supplemental program to compensate for those portions of the original program which did not meet the approved performance standards. The revised program(s) shall be processed as amendments to this coastal development permit, unless the Executive Director determines that no amendments are legally required.

The permittee shall monitor and remediate the mitigation and restoration sites in accordance with the approved monitoring program. Any proposed changes from the approved monitoring program shall be reported to the Executive Director. No change to

the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no amendment is legally required.

**8. Maintenance of Water Quality. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final detailed water quality program for review and written approval of the Executive Director. The program shall include, at a minimum, all of the following:

- a. The applicant shall submit a Best Management Practices (BMP) Program addressing post-construction BMPs. This program shall include, but is not limited to, final drainage plans delineating the detention basin, bioswale and outlet facilities, and calculations/evidence that the facilities are designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85<sup>th</sup> percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- b. Opportunities for directing runoff into pervious areas on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized where geotechnical concerns would not otherwise prohibit such use.
- c. The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall include an identification of the party or entity(ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity(ies). Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.
- c. The applicant shall submit a Best Management Practices (BMP) Program addressing construction BMPs. This program shall include, but is not limited to, the following:
  1. Detailed plan for the storage and containment of construction-related chemicals and materials, to prevent those pollutants from entering coastal waters. A plan for the clean-up of accidental spill of petroleum-based products, cement, or other construction related chemicals or pollutants shall be

provided and retained on-site with the contractor or engineer throughout construction. It shall include, but not be limited to, use of absorbent pads, or other similar and acceptable methods for clean-up of spills. The applicant shall immediately retrieve and properly dispose of any materials that fall into the pond or wetlands.

2. Machinery or construction materials not essential for the proposed project shall not be allowed on the berm. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

3. Debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.

The permittee shall undertake development in accordance with the approved final BMP program. Any proposed changes to the approved final program shall be reported to the Executive Director. No changes to the approved BMP program shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**9. Landscaping/Planting Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, final landscaping plans for planting the slopes adjacent to the bikeway and fenced location that have been developed in consultation with the California Department of Fish and Game and/or the U. S. Fish & Wildlife Service. The plan shall take into consideration the required coastal sage scrub mitigation sites as well as use of plantings to deter public access on the slopes and to screen man-made elements of the bikeway. The plan shall include the following:

- a. A plan showing the type, size, extent and location of all plant materials used. The landscape palate shall include the use of drought-tolerant, native and non-invasive species. Only species typical of coastal sage habitats shall be utilized, such that the slopes will be compatible with surrounding natural areas. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized.
- b. A maintenance plan for the planted area that shall prohibit use of pesticides and rodenticides.
- c. No lighting of the bikeway is permitted.

- d. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of construction.
- e. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- f. Five years from the date of issuance of the coastal development permit, the applicant shall submit a landscape monitoring report for review and written approval of the Executive Director. The report shall be prepared by a licensed Landscape Architect or qualified Resource Specialist, and certify that the on-site landscaping is in conformance with the landscape/planting plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved planting plans. Any proposed changes to the approved planting plans shall be reported to the Executive Director. No changes to the planting plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**10. Grading/Erosion Control. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final grading and erosion control plans and grading schedule for the proposed development. The plans shall contain written notes or graphic depictions demonstrating that all permanent and temporary erosion control measures will be developed and installed prior to or concurrent with any on-site grading activities and include, at a minimum, the following measures:

- a. Placement of a silt fence around the project anywhere there is the potential for runoff. Check dams, sand bags, straw bales and gravel bags shall be installed as required in the City's grading ordinance. Hydroseeding, energy dissipation and a stabilized construction entrance shall be implemented as required. All disturbed areas shall be revegetated after grading.
- b. The site shall be secured daily after grading with geotextiles, mats and fiber rolls; only as much grading as can be secured daily shall be permitted. Concrete, solid waste, sanitary waste and hazardous waste management BMP's shall be used. In

addition, all on-site temporary and permanent runoff and erosion control devices shall be installed and in place prior to commencement of construction to minimize soil loss from the construction site.

- c. As grading is to occur during the rainy season (October 1<sup>st</sup> to April 1<sup>st</sup>), the applicant shall submit to the Executive Director for review and written approval, a program for monitoring the condition of erosion control devices and the effectiveness of the erosion control program. The monitoring program shall include, at a minimum, monthly reports beginning November 1<sup>st</sup> of any year continuing to April 1<sup>st</sup> which shall be submitted to the Executive Director for review and written approval at the end of each month. The reports shall be completed by a licensed engineer and shall describe the status of grading operations and the condition of erosion control devices. Maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms.

The permittee shall undertake development in accordance with the approved grading plans. Any proposed changes to the approved grading plans shall be reported to the Executive Director. No changes to the grading plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**11. Mitigation Area.** **WITHIN 90 DAYS OF COMMISSION ACTION**, the applicant shall submit for review and written approval of the Executive Director evidence that a document in a form and content acceptable to the Executive Director has been recorded against the relevant property(ies) providing that the required coastal sage scrub mitigation site(s) will be protected as open space in perpetuity and providing the applicant with the legal authority to perform the required coastal sage scrub mitigation on-site or in the adjacent wildlife refuge. The 90 day time period may be extended by the Executive Director in writing for good cause.

**12. Sign Program.** The applicant shall submit a comprehensive sign program, documenting the size, location, and text of the proposed interpretive and historical signage proposed. Said plans shall be subject to the review and written approval of the Executive Director, prior to the authorization to proceed with development.

**13. Retention of Railroad Ties.** Any railroad ties not absolutely required to be removed for construction of the bike path shall be retained in place.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project is construction of a 1.8 mile segment of the Bayshore Bikeway along the Otay River Berm and Main Street Dike, next to the South Bay Salt Works, in the Otay-Mesa Nestor Community Plan area of the City of San Diego. The Bayshore Bikeway is an existing and planned 24-mile long continuous bicycle route located around the perimeter of San Diego Bay. Currently, the bike path along this segment is located on the street along 13<sup>th</sup> Street, Palm Avenue, and Saturn Boulevard, in the Cities of Imperial Beach and San Diego. The proposed project would create a new Class I bicycle facility, providing a completely separate right-of-way for the exclusive use of bicycles and pedestrians, with no cross flow of motorized traffic. The proposed path would connect to existing bike path segments on either side.

The new bike path would be located mostly on top of the Otay River Berm within the Metropolitan Transit System's (MTS) railroad right-of-way (which is, in this location, an abandoned portion of the old Coronado Belt Line (CBL)), and also on the Main Street Dike within an existing haul road used by the South Bay Salt Works (see Exhibits #1 & 2). The Otay River Berm and Main Street Dike are man-made, linear berms raised approximately 10 to 15 feet above mean sea level and the surrounding topography. On both sides of the berm and dike, the surrounding area is flat and consists both of salt ponds and undeveloped open space subject to tidal influence. The subject site is bordered on both sides by the San Diego Bay National Wildlife Refuge.

#### Bike Path

There are several components to the bike path construction. The new bike path segment will consist of a 12-foot wide bike path consisting of an 8-foot wide paved asphalt path with 2-foot wide paved porous concrete shoulders on each side of the bike path. The existing berm is typically 12-feet wide on the top, but erosion has reduced some areas to only 8-feet in width. The portions of the berm where erosion has occurred would be repaired and stabilized through minor grading and compacting. The bike path would be constructed both on top of the existing railroad tracks and along the side of the tracks, depending on the location of the alignment. Where the project would be located within the tracks, the existing rails would be retained in place. However, the wooden railroad ties will be removed and then the rails will be capped with dirt and the paved bike path. An additional one-foot of fill material would be placed on each side of the path (see Exhibit 3). Although the bike path will be open at night, no lighting is proposed.

#### Bridge Construction

There are two, currently unserviceable, wooden railroad trestle bridges located along the proposed bike path segments that cross the Otay River. Both bridges are damaged and require repair in order to be used as a bike path. The bridges are part of the Coronado Belt Line (CBL), which is a locally designated historical resource. In order to preserve as

much of the historic nature of the bridges as possible, the project involves constructing two steel truss bridges on top of the existing bridges, while maintaining the existing bridge structures in place.

### Fencing

Post and cable fencing, approximately 3 feet in height, would be installed along both sides of the proposed bike path segment in order to direct public access and provide a barrier between the bike path and salt operations areas. In addition, a chain link security fence up to 7 feet high would be erected on both sides of the bike bath along the entire alignment, with the exception of the two bridge crossings. The fence will be constructed of 2-inch links, have a black finish, and be installed upside down (i.e., the finished chain link would be positioned at the bottom of the fence and the open, sharp-edged links would be upright), to discourage trespassers from entering the refuge.

### Signage

Informational signs would be posted along the new bike path, including notices, rules, and/or restrictions on bikeway usage, and reminders to pet owners to clean up pet waste. Interpretive signs indicating the historic uses of south San Diego Bay, habitats and species observed in the area and their sensitivity, the history and current operation of the South Bay Salt Works and the salt ponds, the goals of the South San Diego Bay Unit of the National Wildlife Refuge, and information on the history of the Coronado Belt Line railroad, are proposed to be located at the southern and northern ends of the proposed bike path, away from sensitive resources.

### Haul Road Relocation

Because a portion of the bike path would be located on the Main Street Dike, which is currently used as a haul road by the South Bay Salt Works, a new haul road would be needed. The project would relocate the existing haul road to the north of the Main Street Dike along an existing unused MTS railroad right-of-way (see Exhibit #2). Conversion of this area to a truck haul road would entail providing a 12-foot wide roadway in existing railroad bedding material (rock) and rails by filling the area with dirt and gravel. The road would not be paved and would be constructed within existing disturbed area.

Because the project has not received all permissions to proceed at this time, Special Condition #5 requires the submittal of all other discretionary permits and approvals from property owners. Mitigation measures or changes to the project required through said permits may require an amendment to this permit or a separate coastal development permit

While the Commission has certified the Otay Mesa-Nestor LUP, the subject site is located within an area of deferred certification, (although some of the project site may be within the Commission's original jurisdiction), which largely consists of undeveloped

floodplain in the City of San Diego. As such, the Chapter 3 policies of the Coastal Act are the standard of review.

2. Sensitive Habitat. Section 30231 of the Coastal Act states, in part:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored...

Section 30233 states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

[...]

Section 30240 (b) of the Coastal Act states:

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

### Project Setting

The project site is within an area of south San Diego Bay that generally has been degraded over the past century due to salt extraction activities. However, the value of the biological resources associated with the Otay River and the salt ponds is considered very high in the context of the region. The site is adjacent to the South San Diego Bay National Wildlife Refuge, which is comprised of approximately 3,940 acres in south San Diego Bay comprising wetlands, open water, mudflats, and eelgrass beds. The project site is also located within a subarea of the City of San Diego Multiple Species Conservation Program (MSCP), Multi-Habitat Planning Area (MHPA).

The salt works' diked ponds provide habitat for more than 94 species of migrating shorebirds, wintering waterfowl, and nesting seabirds, and comprise one of the few large feeding, nesting, and resting areas that remain along the Southern California coast. Sensitive species potentially occurring within the project vicinity include light-footed clapper rail, California least tern, western snowy plover, Belding's Savannah sparrow, and salt marsh bird's beak. Other species the EIR identifies as in the area include the Pacific little pocket mouse, San Diego cactus wren, and burrowing owl.

### Upland Vegetation Impacts

According to the EIR for the project, much of the vegetation along the proposed bike path can be described as ruderal species that have become established among and adjacent to the existing railroad track. The project would temporarily impact .12 acres and permanently impact 1.21 acres of ruderal vegetation. Most, but not all, of the species designated in the EIR as ruderal are non-native and/or invasive (see Table 5.2-1 below). However, since the great majority of the ruderal vegetation is not non-native, and in many case invasive, the area characterized as "ruderal" is not considered valuable habitat, and removal of these plants will have a generally positive impact on the surrounding native species.

TABLE 5.2-1  
Ruderal Plant Species Observed On-Site

Common Name	Scientific Name
garland	Chrysanthemum coronarium
red brome	Bromus rubens
rigguf brome	Bromus diandrus
filaree	Erodium
soft chess	Bromus hordeaceus
prickly sow thistle	Sonchus asper
wild barley	Hordeum leporinum
plantain	Plantago
wild oat	Avena barbata
little ice plant	Mesembryanthemum nodiflorum
Russian thistle	Salsola australis
wild mustard	Brassica sp.
tree tobacco	n/Nicotiana glauca
stinging nettle	Urtica holosericea
horehound	Marrubium vulgare
salt bush	Atriplex lentiformis
castor bean	Ricinus communis
wooly sea blite	Suaeda taxifolia
California everlasting	Gnaphalium californicum
wild radish	Raphanus sativus

Source: Tierra Environmental Services, 2007

n/a: not applicable

On the southern portion of the project site, the EIR characterizes the vegetation as disturbed coastal sage scrub (CSS) dominated by cholla, broom baccharis, and goldenbush. All of the native upland plant species are shown below in Table 5.2.2.

TABLE 5.2-2  
Native Upland Plant Species Observed On-Site

Common Name	Scientific Name
cholla	Opuntia sp.
goldenbush	Isocoma sp.
California everlasting	Gnaphalium californicum
broom baccharis	Baccharis sarothroides
mulefat	Baccharis salicifolia
prickly pear	Opuntia sp.

Source: Tierra Environmental Services, 2007

n/a: not applicable

The project would temporarily impact 0.01 acres and permanently impact 1.35 acres of disturbed coastal sage scrub. However, the Commission's ecologists have reviewed the project and determined that while this habitat is valuable, in this particular case, these impacts would not constitute an impact to environmentally sensitive habitat (ESHA). The coastal sage scrub community along the old railroad exists because a 10 to 15' artificial berm was built around 1888 within a wetland to support railroad tracks. An

assortment of upland plants, described in the EIR as disturbed coastal sage scrub, colonized the raised edges of the artificial berm and now this area is dominated by cholla cactus interspersed with several other species including goldenbush, California everlasting, broom baccharis and prickly pear. In addition, oddly, mulefat, riparian species, is also found in this community. Stands of pure cholla cactus also characterize this disturbed coastal sage scrub habitat. Nevertheless, while not rising to the level of ESHA, the native vegetation still maintains some biological productivity and support for the adjacent wildlife refuge, including the provision of refuge habitat for light footed clapper rails during high tide and flooding, and should not be disrupted without adequate mitigation.

The City has proposed to mitigate the permanent loss of 1.35 acres of CSS either through on-site creation of new CSS at a 1:1 creation/loss ratio, or through contribution to a CSS habitat acquisition fund, or that some combination of creation and credit could occur. The Commission finds that contributing to an acquisition fund to purchase CSS habitat off-site is an unacceptable option given that the proposed impacts would occur in an area of significant biological significance (a wildlife refuge), where sufficient and appropriate area for on-site mitigation is available.

In this particular case, the Commission also finds that the proposed 1:1 creation of CSS on-site, as preliminarily proposed by the City, would also be inadequate. The City's creation plan consists only of planting cholla cactus, which cannot be considered creation of a functioning CSS habitat. True creation (or restoration of a ruderal area) to an adequate CSS community entails planting a palette of plant species that are a member of that community in varying percentages as matched to a nearby reference community.

Typically, the Commission requires creation of habitat, not restoration, when existing sensitive vegetation is impacted. However, in the case of the proposed project, the site is surrounded by ruderal vegetation with minimal biological value, but excellent restoration potential. Given the sensitive nature of the project area, and the numerous sensitive species currently present on this site, restoration of a native plant community on-site would have more biological significance than trying to create (or purchase) native habitat elsewhere.

Therefore, Special Conditions #6 & 7 require that the applicant mitigate and monitor for the permanent loss of 1.35 acres of CSS habitat by restoring existing ruderal areas to CSS at a 2:1 restoration/disturbance ratio. As conditioned, 2.7 acres of existing ruderal area would be restored to CSS by removing exotic vegetation and planting a high-quality mix of CSS species either on the sides of the berms on which the bike path is located or within the wildlife refuge. The mitigation ratio reflects the fact that the required mitigation is restoration, not creation. In addition, the restoration would provide mitigation for the reduced wetland buffer the project will have (see detailed discussion below, under Wetland Impacts and impacts of the project upon the light-footed clapper rail). The proposed removal of CSS and proposed fencing impacts the light-footed clapper rail's ability to retreat to an appropriate wetland/upland transition area it utilizes as a refuge during high tide and flooding. No mitigation has been offered for this impact.

The restoration of CSS will help to offset the impact to this sensitive species. The EIR identifies sufficient ruderal area that can be restored to CSS. However, because this area has not yet been secured from the property owner(s), Special Condition #11 requires that within 90 days of Commission action, the City submit evidence that a document has been recorded against the relevant property(ies) providing that the required coastal sage scrub mitigation site(s) will be protected as open space in perpetuity, and providing the applicant with the legal authority to perform the required coastal sage scrub mitigation on-site or in the adjacent wildlife refuge. The 90 day time period may be extended by the Executive Director in writing for good cause.

Thus, as conditioned to be adequately mitigated, the impacts to the disturbed CSS can be found consistent with the resource protection policies of the Coastal Act.

### Wetland Impacts

Wetland vegetation consisting of coastal brackish marsh and southern coastal salt marsh is located adjacent to the project site, but not on the berm or dike itself. Wetland (marsh) plant species are shown below in Table 5.2-3.

**TABLE 5.2-3**  
**Marsh Plant Species Observed On-Site**

<b>Common Name</b>	<b>Scientific Name</b>
wooly sea blite	<i>Suaeda taxifolia</i>
common pickleweed	<i>Salicornia virginica</i>
alkali heath	<i>Frankenia salina</i>
glasswort	<i>Salicornia subterminalis</i>
saltgrass	<i>Distichlis spicata</i>
rush	<i>Scirpus sp.</i>
western ragweed	<i>Ambrosia psilostachya</i>
wild radish	<i>Raphanus sativus</i>
curly dock	<i>Rumex crispus</i>
annual pickleweed	<i>Salicornia bigelovii</i>
estuary sea blite	<i>Suaeda esteroa</i>
sea lavender	<i>Limonium californicum</i>
boxthorn	<i>Lycium californicum</i>
saltwort	<i>Batis maritima</i>
spiny rush	<i>Juncus acutus</i>
horsetail tree	<i>Casuarina equisetifolia</i>
cordgrass	<i>Spartina foliosa</i>

Source: Tierra Environmental Services, 2007.

The project was sited and designed to avoid wetland impacts to the degree possible. The EIR determined that the project would not have any direct permanent impacts to wetlands, but approximately 0.02 acres of coastal salt marsh and 0.003 acres of salt panne

habitat (856 sq.ft. in total) would be temporary impacted by the 10-foot wide plywood access paths placed to allow construction access to the bridge sites.

In addition, because wetlands are located adjacent to the existing berms, in many areas, the project would not provide any buffers between the proposed development and the sensitive habitat (the EIR estimates that an average buffer of 50 feet could be provided). The Commission has typically found that development that does not provide at least a 100-foot buffer from wetlands (freshwater or saltmarsh) and 50-foot buffer from riparian vegetation areas can adversely impact the wetland. The purposes of establishing a buffer area between wetlands and development include reducing the amount of human and domestic animal intrusion into sensitive vegetation, reducing the impact of human activity on native wildlife species, providing an area of land which can filter drainage and runoff from developed areas before it impacts the wetlands, and providing an upland resting retreat area for some wetland animal species.

Under the Coastal Act, development in wetlands is severely constrained. To constitute an allowable use under Section 30233, the proposed development must be one of the listed permitted uses. The project must also be found to be the least environmentally damaging feasible alternative and incorporate feasible mitigation measures for any associated adverse impacts.

While the proposed wetland impacts are only temporary, the Coastal Act does not differentiate between permanent and temporary impacts. However, in this case, the Commission finds that the bike path is an incidental public service and provides an element of nature study as an allowable use within wetlands under Section 30233(a)(4) and (7) of the Coastal Act.. In this case, the proposed bikeway segment will connect two existing segments along the bayshore to complete a continuous alignment and avoid the need for users to navigate City streets for this stretch of the ride. The proposed trail segment is not a new trail within wetlands, and the impacts to wetlands associated with construction of the trail are temporary in nature. The trail will provide opportunities for visitors to the area to interact with the natural environment through sensorial observation and contemplation of the physical and biological features encountered along the trail. In order for this use to be realized, the trail must pass through the natural resource area. The proposed signage will also provide opportunities for the public to learn about and study the natural environment. Thus, the proposed temporary wetland impacts are an allowed use pursuant to Section 30233 of the Act.

Moreover, the City looked at several different alternatives to the proposed alignment, and chose the proposed project because it was the only option that would not have involved permanent wetland impacts (ref. Exhibit #6). The project has also been designed to utilize techniques that would minimize impacts to wetlands. Workers would access the northern bridge site at two locations: the southern and northern abutments. The northern abutment would be accessed along an approximately 10-foot wide access path that crosses primarily ruderal habitat. The southern abutment of the northern bridge would be accessed along a partially disturbed corridor. Both access routes would consist of a 10-foot wide plywood path laid over the existing vegetation. Construction personnel and

equipment would be transported along these plywood paths to the bridge abutments. The bridge deck would be constructed of precise sections lifted into place and secured with a crane operation from the disturbed upland areas associated with the existing bridge. Only construction personnel and the construction equipment necessary to construct the bridges would move over the plywood paths. The paths would be crossed twice for each piece of equipment; once to access the site and once to leave the site. The EIR for the project indicates that it is anticipated that the plywood would protect the plants sufficiently that they are not killed. Over time, the vegetation is expected to recover from the impact on its own.

The methods employed assure that, although the project would temporarily impact wetlands, the impacts would be minimized to the extent possible, and there will be no permanent wetland impacts. Special Condition #3 requires the applicant to submit and implement a post-construction wetlands survey ensuring that only temporary impacts have occurred. No permanent wetland impacts are authorized. If the 90-day post-construction survey identifies that temporary impacts remain, the area shall be revegetated at a 1:1 ratio. If permanent impacts occur, a permit amendment is required to address the identified impacts. Mitigation shall be provided for any identified permanent wetland impacts at a ratio of not less than 4:1.

With regard to wetland buffers, the proposed bike path would be located on an old railroad berm currently surrounded by wetland vegetation no more than a few feet away from the trail. There would be no way to construct any trail improvements with a buffer more than several feet wide. The Commission has in some past cases, found that nature trails/bike paths can be permitted within the 100 foot buffer area without disrupting habitat values (CDP #6-98-112/Bayshore Bikeway; #6-05-128/San Elijo Lagoon Trails). The path is located on an artificially created and once utilized railroad berm, not a wholly natural, pristine location. The berm is 10-15 feet higher than the surrounding vegetation, which provides some vertical distance from the wetlands. In addition, fencing on both sides of the path will protect the adjacent resources from trampling from public use, providing some of the benefits of a buffer. The fencing will also provide a barrier to potential introduced predators such domestic animals, feral cats, and coyotes. The proposed bike path is a relatively small-scale project that will allow the public to enjoy the natural environment. In this particular case, the temporary impacts and the absence of buffers can be found consistent with the resource protection policies of the Coastal Act.

#### Impacts to Sensitive Bird Species

The South Bay Salt Works' diked ponds provide habitat for migrating shorebirds, wintering waterfowl, and nesting seabirds. The ponds represent one of the few large feeding, nesting and resting areas that remain along the Southern California coast. The salt ponds are a specialized habitat in south San Diego Bay, interspersing shallow open water with mudflats, dry dikes, and salt marsh. The ponds allow escape from the rising tides while at the same time providing food such as fish, brine shrimp and brine flies. This area of the South Bay Salt Works facility is known as nesting and foraging grounds

for more than 94 avian species. It is for this reason that the South Bay Salt Works property was included in the South San Diego Bay Unit of the San Diego Wildlife Refuge.

Table 5.2-4, below, lists the bird species observed around the project site itself.

TABLE 5.2-4  
Avian Species Observed in the Project Area

Common Name	Scientific Name	Common Name	Scientific Name
western snowy plover*	<i>Charadrius alexandrinus nivosus</i>	Great blue heron	<i>Ardea herodias</i>
California least tern*	<i>Sterna antillarum browni</i>	Snowy egret	<i>Egretta thula</i>
light-footed clapper rail*	<i>Rallus longirostris levipes</i>	Green-backed heron	<i>Butorides striatus</i>
Belding's Savannah sparrow*	<i>Passerculus sandwichensis beldingi</i>	Gadwall	<i>Anas strepera</i>
common yellowthroat	<i>Geothlypis trichas</i>	Bufflehead	<i>Bucephala albeola</i>
mallard	<i>Anas platyrhynchos</i>	Ruddy duck	<i>Oxyura jamaicensis</i>
American coot	<i>Fulica americana</i>	Black-bellied plover	<i>Pluvialis squatarola</i>
black-necked stilt	<i>Himantopus mexicanus</i>	White-crowned sparrow	<i>Zonotricha leucophrys</i>
Semi-palmated plover	<i>Charadrius semipalmatus</i>	Anna's hummingbird	<i>Calypte anna</i>
Killdeer	<i>Charadrius vociferus</i>	Common raven	<i>Corvus corax</i>
Marbled godwit	<i>Limosa fedoa</i>	Pied-billed grebe	<i>Podilymbus podiceps</i>
American avocet	<i>Recurvirostra americana</i>	Clark's grebe	<i>Aechmophorus clarkii</i>
Western grebe	<i>Aechmophorus occidentalis</i>	Brown pelican	<i>Pelecanus occidentalis</i>
Eared grebe	<i>Podiceps nigricollis</i>	Double-crested cormorant	<i>Phalacrocorax auritus</i>
Lesser scaup	<i>Aythya affinis</i>		

Source: Tierra Environmental Services, 2007

\*State or federally listed as endangered or threatened

Temporary indirect impacts in the form of noise during construction could disturb nesting bird species, including light-footed clapper rails. In addition, the subject site is currently only accessible by Western Salt and USFWS employees. The proposed bike path would increase the numbers of humans and pets in the area, increasing the risk that nesting and roosting birds will be disturbed.

To reduce impacts to birds and other species, the City is proposing to limit construction to the non-breeding season, October 1 through February 14, unless otherwise permitted by the resource agencies. Prohibiting construction during this period would avoid the breeding season of the western snowy plover, Belding's Savannah sparrow, and the California least tern.

In addition, at the request of the USFWS, the project includes a 7-foot high fence on both sides of the bike path. The fence will prevent access to the salt ponds by pedestrians and pets, thereby minimizing the impact the public might have on sensitive bird species and other animals. However, the Commission finds a reduced height and potential alternative design of the chain link fencing should be able to achieve the same level of security and protection, yet reduce the visual intrusion of the fencing in this scenic area, and should be pursued. As described above, as conditioned, 2.7 acres of existing ruderal vegetation will be converted to CSS habitat. The addition of high quality foraging habitat and resting area will help offset the disruptive impacts the minimal buffers have on sensitive species.

Special Condition #4 requires implementation of a construction stage plan designed to avoid impacts to biological resources, and prohibits constructing during the breeding seasons of any threatened or endangered avian species nesting in the vicinity, unless authorized by the resource agencies.

In summary, the Commission finds that the proposed bike bath is consistent with Sections 30233 and 30240 of the Coastal Act. The proposed temporary impacts to wetlands are for an incidental public service and nature study purposes, have been minimized to the maximum extent feasible and adequate mitigation is provided. In addition, the existing CSS on and around the manufactured slope is not ESHA. As conditioned, the City must provide on-site restoration at ratio of 2:1 for impacts to the disturbed CSS. Therefore, as conditioned, the Commission finds the proposal consistent with the biological resource policies of the Coastal Act.

3. Water Quality. The following Coastal Act policy is applicable to the proposed development and states:

#### Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground

water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Water quality is affected by sedimentation caused by erosion, runoff carrying contaminants, and direct discharge of pollutants. As land is developed, impervious surfaces send an increased volume of runoff, which may contain oils, heavy metals, pesticides, fertilizers and other contaminants into surrounding water bodies.

The subject project includes constructing two pre-fabricated bridges across the existing railroad bridges over the Otay River, filling and grading eroded portions of the existing railroad berm for the bikeway and haul road, and constructing an asphalt concrete bikeway with two foot wide portions of each side consisting of porous concrete and one foot of fill material on each side between the porous concrete and the permanent fence.

Implementation of the proposed project would increase the amount of impervious surfaces in the area; however, the eight-foot wide asphalt concrete bikeway would be constructed with a 2% slope in order to channel flows to the downhill porous concrete section, which will catch runoff from both sides of the bikeway, and filter and trap pollution. The project site is 2.74 acres, 60% of which would be impervious; thus, the overall amount of sediment being generated by the project area is minimal. Motorized vehicles would be prohibited on the bike path (except for maintenance activities), thus, there will not be any petroleum and/or hydrocarbon runoff from the path. The downhill sloped area exposed by construction activities would be reseeded with hydroseeding and soil binders for erosion control. Special Condition #9 requires submittal of a landscaping plan restricting plantings to drought-tolerant, native and non-invasive species. Use of pesticides and rodenticides is prohibited, and the planting plan must be implemented within 60 days of completion of construction.

The City of San Diego will be responsible for maintenance of the bikeway, and regular litter removal would occur weekly, or as needed. In addition, signs with prohibitive language and graphic icons prohibiting illegal dumping at public access points would also be placed along the bike path.

In order to ensure that construction activities do not adversely impact water quality, comprehensive construction water quality BMPs have been incorporated into the project plans to reduce the amount of pollutants and sediments discharged from the site. These include maintaining natural drainage patterns as much as possible during construction, using erosion control techniques including sandbags, hay bales, and or sediment traps. A site-specific Storm Water Pollution Prevention Plan (SWPPP) has been developed for the project that requires soil stabilization, sediment control, tracking control, wind erosion control, waster management and materials pollution control, all of which must be incorporated into the project and implemented.

Special Condition #8 requires submittal of a final water quality program addressing construction and post-construction BMPs, and Special Condition #10 requires submittal

of a grading/erosion control plan. As conditioned, the proposed project can be found consistent with the water quality policies of the Coastal Act.

4. Visual and Historic Resources. Section 30251 of the Coastal Act addresses the preservation and enhancement of visual resources, and states, in part:

**Section 30251**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ...

**Bike Path Fencing**

As noted above, in order to reduce the potential that people, domestic animals, and predators such as coyotes will enter the adjacent salt ponds and disturb the sensitive habitat and sensitive species that forage and nest there, a 7 foot high chain link fence would be erected along both sides of the path for its entire length, with the exception of the two bridges. The fence would be installed upside down (i.e., the finished chain link would be positioned at the bottom of the fence and open, sharp-edged links would be upright), to discourage intrusion into the marsh.

The fence would be located on the downward slopes on either side of the bike path, such that considerably less than the entire 7 foot height of the fence would block views from the bike path. The City has indicated that for approximately half the length of the path, on the Otay River Berm (2,500 feet), the fence would extend approximately 5 feet above the elevation of the bike path; for the remainder of the Otay River Berm section (approximately 1,600 feet), the fence would be 3 feet or less above the path. Only along the Main Street Dike/Haul Road section of the proposed path would the fence be at the same level as the berm, and thus, all views from the proposed bikeway of the surrounding scenic open space would be through the fence.

The Commission has previously approved barriers along the other portions of Bayshore Bikeway in order to protect the natural resources. In September 1998, the Commission approved construction of 4,300 linear feet of bike path adjacent to Sweetwater National Wildlife Refuge and Paradise Marsh (CDP #6-98-112) northeast of the subject segment. The entire length of that bike path segment included chain link fencing from 40 inches to 4 feet high, except that approximately 2,100 feet of the path is flanked by 6 to 8 foot-high *screened* fences that block all views from the bike path. The Commission found that level of view blockage was necessary in that location to protect the habitat values of the adjacent marsh.

In the case of the proposed project, fence will be colored black to minimize its appearance. Previously, the USFWS had requested that a 7.5 high chain-link fence be constructed along both sides of the bike path. In addition, to the fence, earlier project designs included on top of the fence a 14-inch cantilever directed backwards at a 45-degree angle to prevent trespassing. The upside down installation was proposed as an alternative to the cantilever. The USFWS had also requested that slats be inserted to into the chain link fence to shield the salt ponds from the bike path. Because this would have significantly impacted views from the bike path, the City proposed to place signage describing the sensitivity of the adjacent habitat at various points along the bike path to educate the public.

However, the Commission cannot accept the proposed 7 foot height or location of the chain link fencing without further consultation with representatives from the U.S. Fish and Wildlife Service to determine whether or not there are alternatives that would reduce the visual impact of the proposed fencing and still meet the resource agency's objectives. The fence would be constructed with 2-inch mesh opening in the chain link, which would provide screening for birds, but potentially be visually obstructive and block views for path users. In any event, the location of the chain link fencing should be located as far down the slopes adjacent to the bikeway as possible, to minimize the height of any portion of the fence above the elevation of the bikeway. Revision to the 7 ft. height may not be necessary in areas where there is no view obstruction associated with the proposed height from the bikeway. However, where reduced fence height can provide adequate security from trespassers and protect sensitive resources and not obstruct views from the bikeway, that alternative shall be required pursuant to Special Conditions #1 and #2. Failure to reach agreement on a reduced fence height and potential alternative design shall require an amendment to this coastal development permit to be reviewed by the Commission. As so conditioned, the fencing proposed along this stretch of the bike path will be less visually obtrusive than that required by the resource agencies along some other portions of the bike path and protect public views of this scenic coastal area. Thus, the Commission's finds, as conditioned, the proposed development is consistent with Section 30251 of the Act.

### Historic Resources

The proposed bike trail would be partially located on the Coronado Railroad Belt Line (CBL). According to the project EIR, the CBL originally looped around the San Diego coastline and up the Silver Strand to Coronado as part of the Spreckles railroad empire. Originally constructed in 1888, this rail line operated until the mid-20<sup>th</sup> century, regularly transporting at different times, residents, visitors, World War I and II military shipments, agricultural products, building materials, and commercial and industrial wares throughout the region. The railway was originally approximately 25 miles long and connected the cities of San Diego, National City, Chula Vista, Imperial Beach, and Coronado. Approximately 7.5 miles of the railway, including rails, tracks, trestles, and crossing signals still exist today.

On December 19, 2003, the Historical Resources Board (HRB) of the City of San Diego designated the CBL as an Historic Landmark. After appeals and litigation regarding the designation, on September 13, 2005, the City of San Diego upheld the historic designation for the 1.5 mile stretch of the Belt Line that runs through the city. Thus, the CBL is a locally significant historic resource.

Under some circumstances, the Chapter 3 policies of the Coastal Act are designed to preserve and protect historical resources. For example, Section 30244 requires mitigation for development that would adversely impact archeological or paleontological resources, and section 30251 could require the preservation of certain structures or buildings to preserve the character of historical coastal communities. There are, however, no Coastal Act policies that directly address protection of a historic resource such as a former railway.

As previously noted, the City has designed the project to retain the existing rail and trestle bridges of the CBL located within the project corridor. As proposed, the existing train track rails would be covered with two feet of dirt, and the bike path would be constructed on top of the soil cap. However, the wooden railroad ties would be removed. Two pre-fabricated bridges would be placed over the existing railroad trestle bridges to preserve the features of the CBL in place. This construction method is potentially reversible, and would leave the resource available for future preservation options. The City has proposed additional mitigation in the form of documenting the existing elements of the CBL, recovery of excavated features of the CBL, and inclusion of interpretive facilities (signage) within the bike path corridor that identify elements of the CBL and its history.

On August 23, 2007, the City's HRB voted to support the project, with the proposed preservation of the bridges and the interpretive signage, with a recommendation to preserve the railroad ties, as well as the rails. However, the City has indicated that preservation of the ties is not feasible in this case.

Exhibit #5 is the comment letter on the project EIR from San Diego's Save Our Heritage Organization (SOHO) and the City's response to the comment letter. SOHO suggests that leaving the railroad ties in place is a feasible alternative that would avoid a significant impact to the historic character of the rail line. The City's response documents the infeasibility of this alternative, and is hereby incorporated by reference. To summarize, the City considered an alternative that would retain the wooden ties in place. This alternative was rejected for the following reasons:

- The timber ties are in various states of deterioration and are expected to continue to deteriorate.
- The deterioration presents maintenance and safety problems, as the bike path would be expected to experience surface pavement deterioration as the ties crumble under the bike path creating voids and an uneven path surface.
- The condition of the ties at the project site are not comparable to other portions of the CBL, located outside the jurisdiction of the City of San Diego where the ties

were retained. The wooden ties in these locations were in relatively good condition.

- A site-specific study performed in 1996 on the track at the project site found that the tie condition is “poor to very poor where the ties are not too obscured by dirt and brush to see. There are long distances with no competent ties.”
- In June 2002, a *Review of Findings on California Register Eligibility: The Coronado Railroad San Diego County CA* was prepared for submission to the State Historic Resources Commission. The Review found that based on the known lifespan of railroad ties, even under ideal conditions, the ties at the subject location would have already out-lived their life span, and would be expected to be in a degraded condition. Thus, even if the railroad line was restored at some point in the future, the existing ties would not be usable.

The proposed project includes accommodations designed to preserve the resource to the extent feasible. The new bike path will expose people to the history of the CBL, while opening up a new recreational resource in this historic area. Special Condition #13 requires that any railroad ties not absolutely required to be removed for construction of the bike path shall be retained in place. Special Condition #12 requires submittal of a sign program documenting the provision of historical and interpretive signage. There are no Coastal Act policies that require additional measures to protect this historic resource.

5. Public Access and Recreation. The Coastal Act emphasizes the need to protect and provide for public access to and along the coast, and to provide low cost recreational facilities. The following Coastal Act policies are applicable to the proposed development:

#### Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

#### Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30252 states, in part:

The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

Finally, Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with the approval of any development to be located between the first public roadway and the sea, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. In this case, such a finding can be made.

The proposed project implements the goals of the City of San Diego Bicycle Master Plan, which identifies the proposed project site for the development of a Top Priority Class I segment of the Bayshore Bikeway. The project will provide the community with an additional Class I bike route around San Diego Bay, as part of the Bayshore Bikeway continuous bicycle route. The project will provide a safe public access and recreational trail for the exclusive use of bicycles and pedestrians, and may help relieve traffic congestion by providing a public bike way. Therefore, the project can be found consistent with the public access and recreation policies of the Coastal Act.

6. Local Coastal Planning. The Otay Mesa-Nestor Community Plan land use designation for the project site is Open Space, and the project traverses the IH-2-1, IL-3-1, and OF-1-1 zones, which are Industrial and Open Space zones. The City of San Diego has assumed permit authority for some areas in the Otay Mesa-Nestor planning community, however, this project site is located in an area shown as deferred certification in the plan, although there may be portions of the site within the Commission original jurisdiction.

Based on the preceding discussion in this report, the Commission finds that the proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act; thus, no adverse impacts to coastal resources are anticipated. The Commission also finds, that based on the above, the proposed development would not prejudice the ability of the City of San Diego to fully to implement their local coastal program.

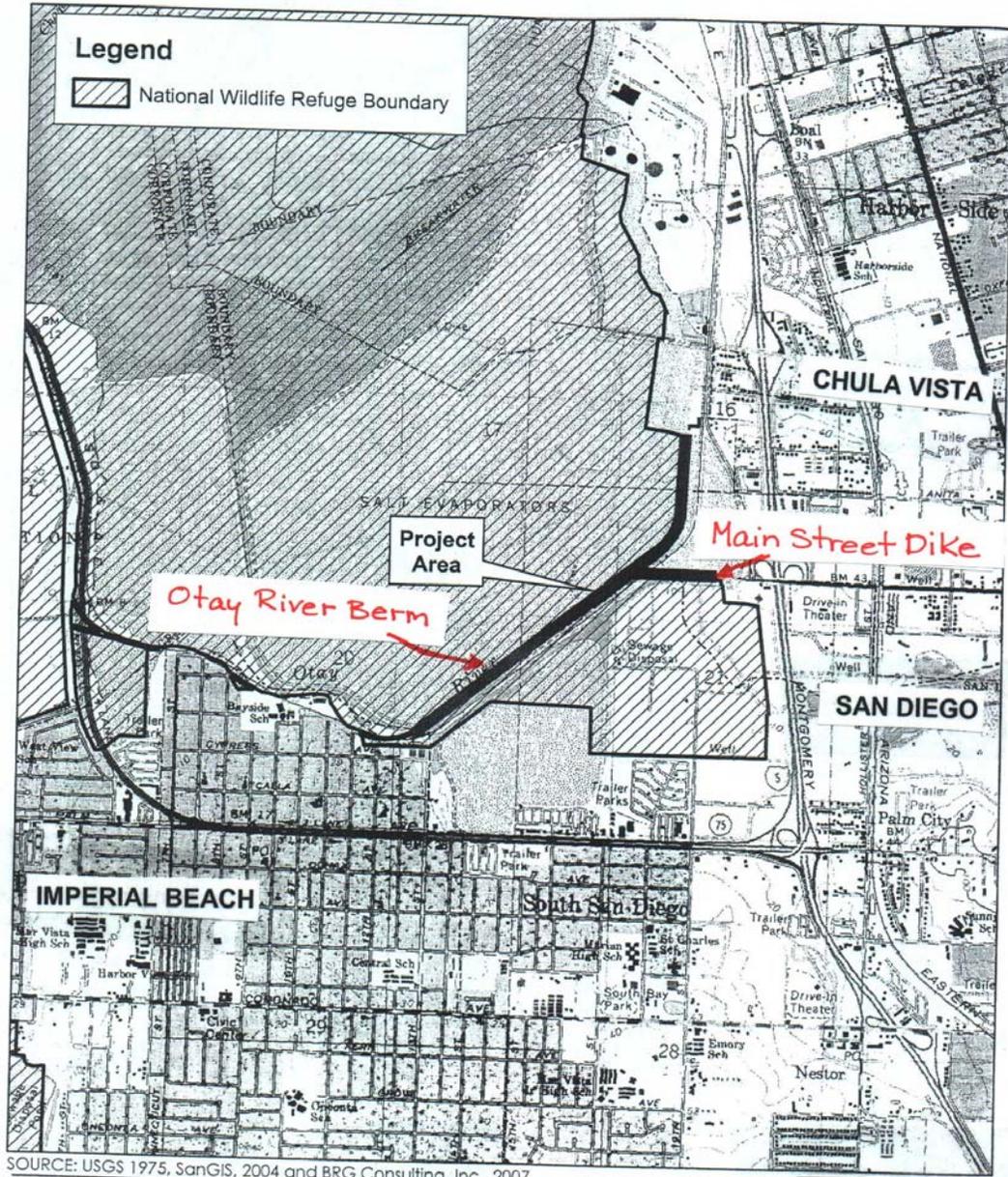
7. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible

mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As discussed herein and as conditioned, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the biological protection, water quality, visual, and public access policies of the Coastal Act. As conditioned, there are no other feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

#### STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



SOURCE: USGS 1975, SanGIS, 2004 and BRG Consulting, Inc., 2007

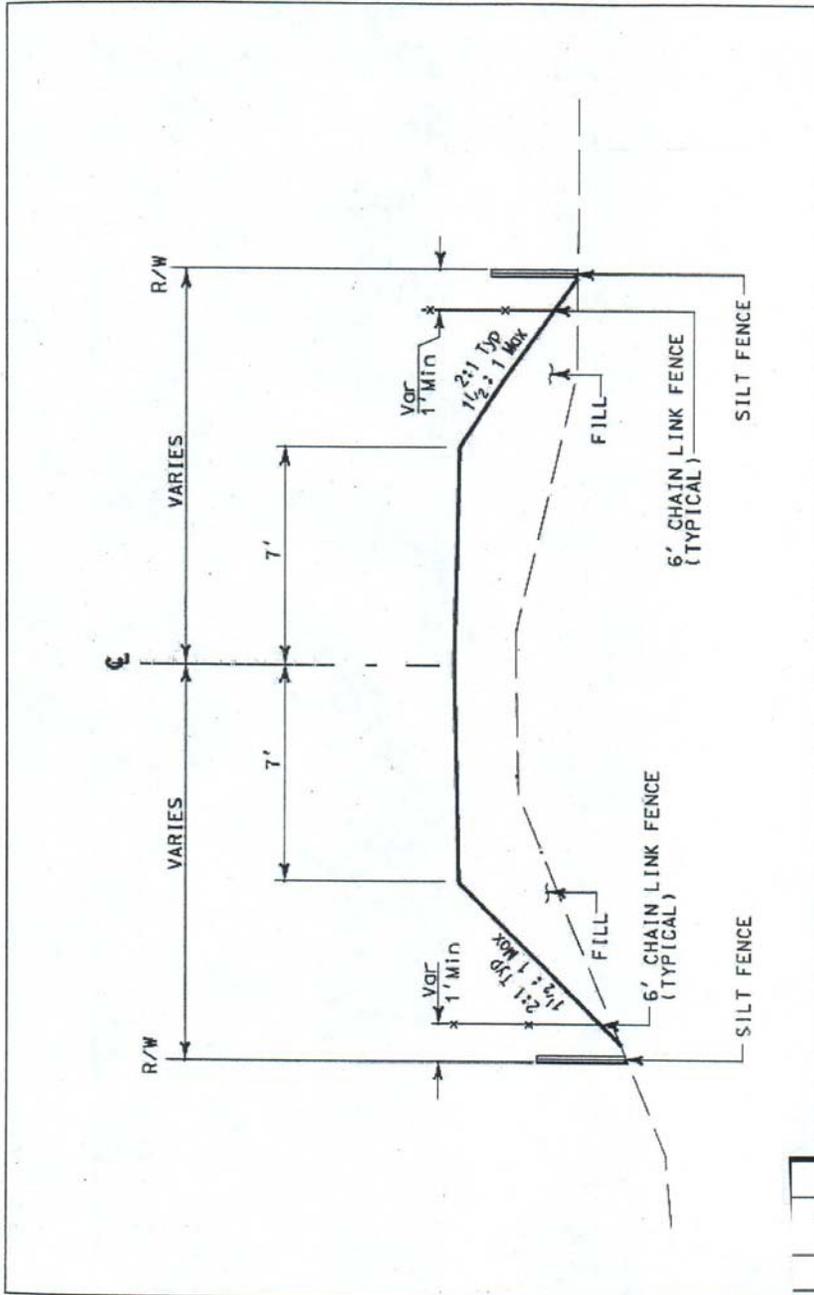
Bayshore Bikeway - Western Salt Segment

Project Area

<b>EXHIBIT NO. 1</b>
APPLICATION NO.
<b>6-07-79</b>
Location Map

California Coastal Commission





3-9

07/17/06  
Bayshore Bikeway - Western Sill Segment  
in and Associates, Inc., 2007

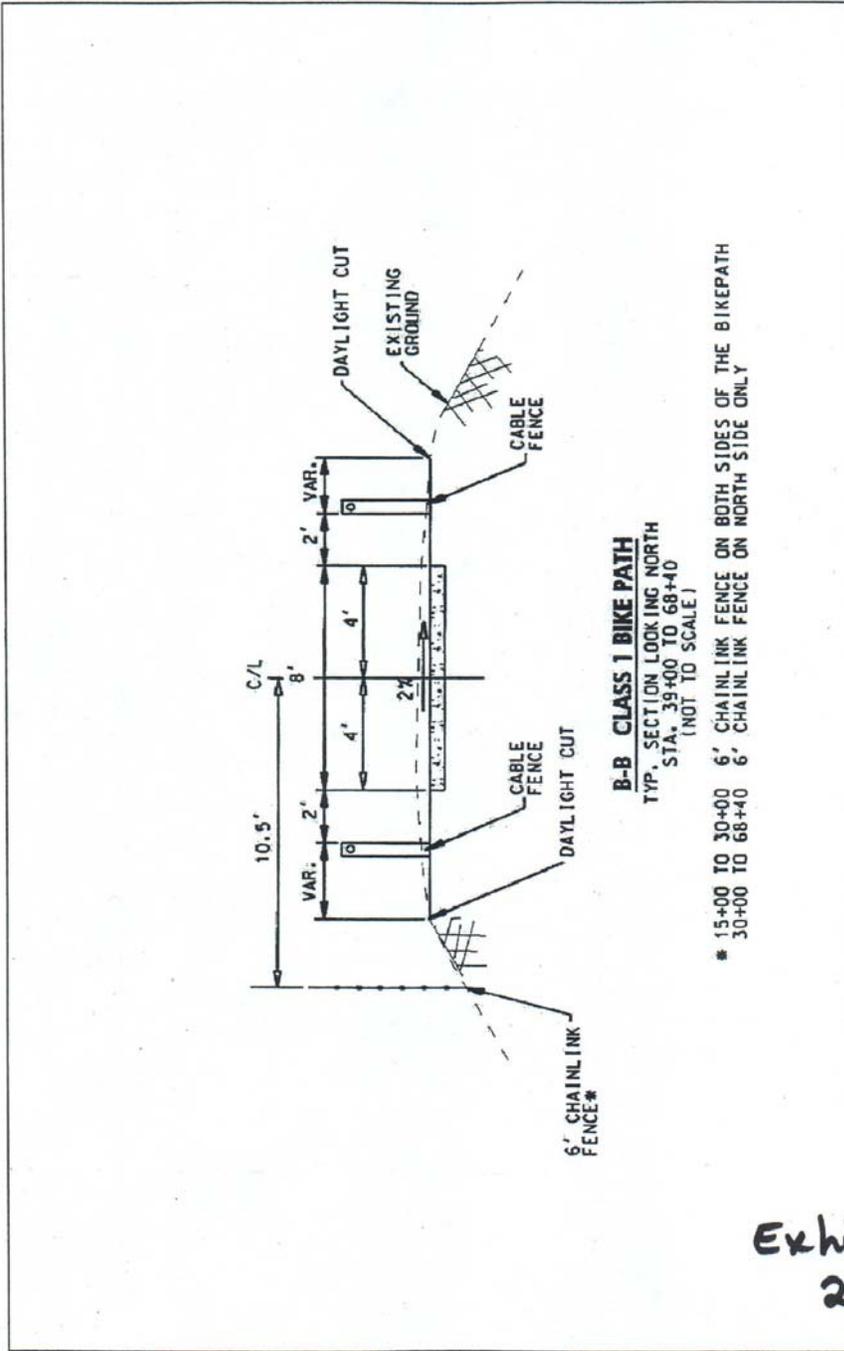
FIGURE

3-7

Trail Cross Section Inside Railroad Tracks (Typical)

EXHIBIT NO. 3
APPLICATION NO.
<b>6-07-79</b>
Cross-Sections

1012  
California Coastal Commission



SOURCE: Kirby-Horn and Associates, Inc., 2006

4/24/08  
FIGURE

3-8

Bayshore Bikeway - Western Salt Segment

Trail Cross Section Outside Railroad Tracks (Typical)

Exhibit No. 3  
2 of 2

Comment Letter FWS  
(Refuge)



United States Department of the Interior  
FISH AND WILDLIFE SERVICE  
San Diego National Wildlife Refuge Complex  
6010 Hidden Valley Road  
Carlsbad, California 92011



July 13, 2007

Ms. Kristen Forbarger  
City of San Diego, Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101

Subject: Comments on the Draft Environmental Impact Report for the Bayshore Bikeway  
Western Salt Segment, City of San Diego, California (SCH #2003121129)

Dear Ms. Forbarger:

The San Diego National Wildlife Refuge Complex (Refuge) has reviewed the draft Environmental Impact Report (DEIR) and supporting documentation for the proposed Bayshore Bikeway Western Salt Segment, dated May 29, 2007, and offers the following comments for your consideration.

Specific Comment

1. Section 1.3 (Discretionary Actions and Permits Required) - The list of discretionary permits required to implement the project should include a Special Use Permit from the San Diego Bay NWR for temporary construction access through the South San Diego Bay Unit of the San Diego Bay NWR. We have previously recommended that the City request initiation of the Special Use Permit process to avoid project delays. We need to comply with the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and other appropriate regulations prior to our issuance of the Special Use Permit and request assistance from the City in expediting our NEPA compliance. Based upon the Service's understanding of the limited use of the temporary access routes for one time access on and off of the railroad right-of-way by a crane and small drilling rig, NEPA coverage for the Special Use Permit can likely be accomplished with a Categorical Exclusion and supporting documentation.

2. Section 1.3 (Public Easement) - The statement on page 1.2 in this section indicating the need to obtain a public easement from the South Bay Salt Works is inaccurate. The South Bay Salt Works does not own the land located on the West Street Dike, nor is the top of the dike located within the boundaries of the Refuge (although the northern portion of the dike's southern slope is within the Refuge's ownership). Use of the top of the dike must be approved by the current land owner, not the South Bay Salt Works.

FWS  
(Refuge)

FWS  
(Refuge)2

RESPONSES TO COMMENT LETTER RECEIVED FROM UNITED STATES DEPARTMENT OF THE INTERIOR (FISH AND WILDLIFE SERVICE - SAN DIEGO NATIONAL WILDLIFE REFUGE COMPLEX), SIGNED BY ANDREW YUEN, DATED JULY 13, 2007

Response to Comment FWS (Refuge)1:

(Special Use Permit) The City acknowledges that construction of the proposed project will require a Special Use Permit from the San Diego Bay National Wildlife Refuge for temporary construction access. The following text has been added to Page 1-2 of the ER:

**Special Use Permit.** A Special Use Permit will be required from the San Diego Bay National Wildlife Refuge for temporary construction access through the South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge.

The primary environmental issue associated with the proposed temporary construction access through the Refuge is the potential impact to biological resources - specifically, trampling of coastal salt marsh habitat. The City also acknowledges that compliance with the Endangered Species Act will be required for the Refuge to issue the SUP. Measures will be implemented in accordance with the conditions that the Service places on the project to ensure the project is implemented in accordance with the Endangered Species Act. The environmental impact associated with the temporary construction access is evaluated in the ER, and mitigation measures for significant impacts are proposed accordingly.

The City concurs that NEPA coverage for SUP could be satisfied through a Categorical Exclusion, as only minimal temporary impacts have the potential to occur. The City will continue to consult with the USFWS, as applicable to the project, and will furnish all applicable technical studies (e.g. Biological Assessment) to the Refuge as part of the SUP application.

Response to Comment FWS (Refuge)2:

(Public Easement) This comment is acknowledged. The current property owners are M&A Gababee/Charles Co. ER page 1-2 is revised as follows:

**Public Easement with M&A Gababee/Charles Co. South Bay Salt Works.** The proposed bike path would follow the top of Main Street Dike, subject to a Public Easement from M&A Gababee/Charles Co. South Bay Salt Works until the point that the trail intersects with the existing MDS right-of-way.



EXHIBIT NO. 4  
APPLICATION NO.  
6-07-79  
Comment Letters from  
Resource Agencies/City  
Response  
Page 1 of 15  
California Coastal Commission

WAY Western Salt Segment  
RTC-14  
August 2007

Comment Letter FWS  
(Refuge)  
(cont'd)

Ms. Kristen Forbarger

2

3. Page 3-12 (Fencing) - The discussion of the location and extent of the proposed chain link fence in the DEIR and Mitigation, Monitoring and Reporting Program is not consistent and should be corrected in the Final EIR. We assume that, consistent with the Mitigation, Monitoring and Reporting Program, the chain link fence will be constructed along the west and east slopes of the bike path for its entire length, with the exception of the two bridges. If a fence is not proposed along some or all of the eastern edge of the bikeway alignment, then the impact analysis should be revised to address potentially significant impacts to Federal and state listed species, migratory birds, and the South San Diego Bay Unit.

In 1998, we recommended that the proposed fence be constructed along the top of the railroad right-of-way with the bottom 18-inches of the fence buried in the ground. With the redesign of the project to place the fences on the slope of the berm, we have recommended the requirement to bury the fence. The revised fence specifications, presented below, would reduce impacts related to ground disturbance as well as costs, while continuing to provide security for the adjacent refuge resources.

Design specifications for the fence: Construct a 7-foot-high security fence consisting of two-inch mesh, 6-gauge (0.192" diameter) black vinyl (or other appropriate black, finish) chain link, with a black bottom rail that is secured in the center of the two line post using a 3/8" diameter eye hook anchored into a concrete footing (or equivalent per agreement with the Wildlife Agencies) and a 7-gauge coil spring wire installed at the top of the fence in place of a top rail. The fence shall be installed upside down (e.g., the finished chain link shall be positioned at the bottom of the fence and the open, sharp-edged links shall be upright). The distance between the lower portion of the fence and the ground shall be no greater than 2 inches. The entire fence, including the chain link, posts, and bottom rail shall be black to improve the overall appearance of the fence.

The revised fence specifications should be included in the Final EIR and the Final Mitigation, Monitoring and Reporting Program.

4. Page 3-12 (Coy River Berm Work) - The DEIR includes a discussion on widening portions of the berm to a width of 8 feet and beyond. The Final EIR should also address the potential for erosion and runoff on the berm. The Final EIR should also address the potential for erosion and runoff onto Refuge lands during and after the construction of the widened berms. Appropriate mitigation measures including revegetation with native species of disturbed slopes should be incorporated into the Final Mitigation, Monitoring and Reporting Program.

5. Figure 3-7 (Silt Fence) - Figure 3-7 indicates that silt fencing would be installed outside of the railroad right-of-way on Refuge lands. We have not previously discussed the use of Refuge lands for installation of silt fencing. To avoid impacts to Refuge resources and simplify our processing of the Special Use Permit, the Final EIR, Final Mitigation, Monitoring and

RESPONSES TO COMMENT LETTER RECEIVED FROM UNITED STATES DEPARTMENT OF THE INTERIOR (FISH AND WILDLIFE SERVICE - SAN DIEGO NATIONAL WILDLIFE REFUGE COMPLEX), SIGNED BY ANDREW YUEN, DATED JULY 13, 2007 (cont'd)

Response to Comment FWS (Refuge)3:

(Fencing) The commenter is correct. As stated on EIR page 3-12, the proposed chain link fence will be installed along the east and west slopes of the bike path for its entire length, with the exception of the two bridge locations. EIR Figure 3-5 has been revised to depict fencing on both sides for the entire length of the bike path.

The "design specifications for the fences" as provided by the commenter will be included in the MMP for the project. As such, Mitigation Measure 15 has been revised as follows:

"Fencing specifications shall be as follows: a security fence up to seven feet high consisting of two-inch mesh, 6-gauge (0.192" diameter) black vinyl (or other appropriate black finish) chain link, with a black bottom rail that is secured in the center of the two line post using a 3/8" diameter eye hook anchored into a concrete footing (or equivalent per agreement with the Wildlife Agencies) and a 7-gauge coil spring wire installed upside down (e.g., the finished chain link shall be positioned at the bottom of the fence and the open, sharp-edged links shall be upright). The distance between the lower portion of the fence and the ground shall be no greater than two inches. The entire fence, including the chain link, posts, and bottom rail shall be black to improve the overall appearance of the fence."

The final design specifications of the fencing will be subject to approval by the City and U.S. Fish and Wildlife Service, and is expected to be resolved through the SUP process with the Service.

Additionally, EIR pages 3-12 and 5-9-3 have been revised as follows:

"...a security fence up to seven feet high would be constructed along the east and west slopes of the proposed bike path for its entire length, with the exception of the two bridges. The fence would consist of two-inch mesh, 6-gauge (0.192" diameter) black vinyl (or other appropriate black finish) chain link, with a black bottom rail that is secured in the center of the two line post using a 3/8" diameter eye hook anchored into a concrete footing (or equivalent per agreement with the Wildlife

RESPONSES TO COMMENT LETTER RECEIVED FROM UNITED STATES DEPARTMENT OF THE INTERIOR (FISH AND WILDLIFE SERVICE - SAN DIEGO NATIONAL WILDLIFE REFUGE COMPLEX), SIGNED BY ANDREW YUEN, DATED JULY 13, 2007 (cont'd.)

**Response to Comment FWS (Refuge)3: (cont'd.)**

Agenies) and a 7-gauge coil spring wire installed at the top of the fence in place of a top rail. The fence would be installed upside down (e.g., the finished chain link would be positioned at the bottom of the fence and the open, sharp-edged links shall be upright). The distance between the lower portion of the fence and the ground would be no greater than two inches. The entire fence, including the chain link, posts, and bottom rail shall be black to improve the overall appearance of the fence."

**Response to Comment FWS (Refuge)4:**

**(Clay River Berm Work)** With the exception of the proposed temporary construction access through the Refuge, no other portion of the project (construction and operation) would take place within the Refuge boundary. Therefore, the proposed widening of the berm at certain locations will be confined to the MIS right-of-way.

The proposed limits of disturbance associated with the proposed project are depicted on EIR Figures 5.2-3a through 5.2-3f. This limit of disturbance includes the construction limits associated with the reconstruction and stabilization of the eroded portion of the berm. All work and disturbance will be limited to the area delineated on these figures; however, as noted in response to comment #7 below, the construction staging area identified in Figures 5.2-3b and 5.2-3c is no longer proposed.

The potential for erosion and runoff onto Refuge lands, both in the short-term construction condition and in the long-term is discussed in the EIR (e.g., see pages 5.1-22, 5.1-23, Mitigation Measure LU1, page 5.2-37). The installation of all fencing (or other suitable environmental fencing) to clearly delineate the limits of the right-of-way and Refuge interface, the environmentally sensitive areas (ESA's), the proposed temporary construction access locations through the Refuge, and biological monitoring have been included in the Mitigation Monitoring and Reporting Program. These conditions will also be included in the project construction plans. Also, the MWTR requirements include coordination with "a USFWS Refuge Representative". (Please refer to the following pages of the MMRP: MMRP-3, MMRP-4, MMRP-9).

**RESPONSES TO COMMENT LETTER RECEIVED FROM UNITED STATES DEPARTMENT OF THE INTERIOR (FISH AND WILDLIFE SERVICE - SAN DIEGO NATIONAL WILDLIFE REFUGE COMPLEX), SIGNED BY ANDREW YUEN, DATED JULY 13, 2007 (cont'd)**

**Response to Comment FWS (Refuge)s: (cont'd)**

Measures to address potential erosion and water quality are also required as a component of the Storm Water Pollution Prevention Plan for the project. The construction contractor will be required to comply with such measures.

Finally, the Refuge is located within the MHPA of the City's MSCP. As such, the project will be required to comply with the MSCP land use adjacency guidelines, which includes the prohibition of planting of non-natives and invasive species. This requirement is provided as Mitigation Measure LU1.

No impact to slopes is proposed (i.e., no disturbance to the berm or base of the berm); therefore, implementation of a revegetation plan for this specific activity (berm stabilization) is not anticipated to be necessary. Hydroseeding is proposed as a contingency measure.

**Response to Comment FWS (Refuge)s:**

**(Silt Fence).** The proposed silt fencing would be limited to within the MIS right-of-way (outside of the Refuge boundary). Elk Figure 3-7 has been revised to correctly reflect this condition.

Comment Letter FWS  
(Refuge)  
(cont'd)

Mr. Kristen Furber

3 Reporting Program; and construction plans should indicate that the silt fence will be constructed within the railroad right-of-way boundary.

FWS  
(Refuge)5  
(cont'd)

6. Pages 1-13 and 5.2-31 (Bridge Construction) - We are still unclear on the level of use of the temporary construction access route through the Refuge. The Project Description indicates that one construction vehicle would traverse the temporary access route a total of two times (once to bring in the heavy equipment and the second trip to remove the equipment). However, the text on page 5.2-31 implies that construction personnel, a crane, and a drilling rig would regularly traverse over the temporary access route. Based on previous discussions with the City, the Special Use Permit, which must include a complete accounting of all uses and activities proposed on the Refuge, will allow temporary access for a crane and drilling rig to enter and exit one time over each of the two access points, but it will not permit daily construction access through the Refuge.

7. Figures 5.2-3B and 3C (Construction Staging Areas) - We have not previously discussed the use of Refuge lands as a construction staging area. To avoid impacts to Refuge resources and simplify processing of the Special Use Permit, the Final EIR, Final Mitigation, Monitoring and Reporting Program, and Construction Plans should indicate that the construction staging areas will not be within the Refuge.

8. (Long-Term Maintenance) - The Final EIR should discuss the maintenance of the bikeway by the City. The Final EIR and the Final Mitigation, Monitoring and Reporting Program should address trash removal, eradication of invasive plants within the right-of-way, fence repairs, berm erosion, or other routine maintenance needs.

9. (Construction Site Security) - The Final EIR and Final Mitigation, Monitoring and Reporting Program should include measures to prevent unauthorized access onto the project site and adjacent salt ponds during construction. Specific measures could include the installation of barriers and locked gates at both ends of the construction alignment and, if necessary, the presence of a security officer to patrol the construction site when no construction activities are underway.

10. Page 5.2-38 - The Final Mitigation, Monitoring and Reporting Program should state that no night lighting should be allowed during project construction or operation of the bikeway.

11. (Timing of Construction) - Mitigation Measure BR 16 on page ES-26 and Item 1 under Sensitive Avian Species in the Mitigation Monitoring and Reporting Program (page MMRP-13) incorrectly describe the construction period as August 2 through February 28. The Executive Summary and Final Mitigation, Monitoring and Reporting Program should be revised to reflect the correct timing for construction (October 1 through February 13) to avoid significant impacts to listed species.

RESPONSES TO COMMENT LETTER RECEIVED FROM UNITED STATES DEPARTMENT OF THE INTERIOR (FISH AND WILDLIFE SERVICE - SAN DIEGO NATIONAL WILDLIFE REFUGE COMPLEX), SIGNED BY ANDREW YUEN, DATED JULY 13, 2007 (cont'd)

Response to Comment FWS (Refuge)6:

(Bridge Construction). The comment is noted. The City will formally submit to the Refuge a request for issuance of a Special Use Permit for this proposed activity (see response to comment FWS(Refuge)1).

The City recognizes the sensitivity of wetland resources located within the Refuge and has developed a project design that avoids any direct impact to wetlands (both inside and outside of the Refuge). However, the alternative construction method that avoids permanent wetland impacts does require the proposed short-term construction access through the Refuge. It should be noted that this access location was selected with input from the project biologist, and is an area that contains very limited habitat.

A 4(f) concurrence letter was submitted to the Refuge on February 26, 2007. Measures to avoid and minimize potential impacts to sensitive species will be implemented as required by the MMRP and conditions placed on the project as part of the consultation with the U.S. Fish and Wildlife Service - Refuge and Ecological Services and conditions placed on the Special Use Permit by the Refuge.

As specified in the 4(f) request for concurrence, Draft EIR, and Biological Assessment, access through the Refuge will be limited to providing access for construction of the bridges. Daily construction access through the Refuge would not be required. All other access, including daily access for construction workers, construction staging, and delivery of materials, would be provided on the berm, which is located outside the Refuge boundary.

For purposes of clarification, the following more precisely describes the proposed construction access:

"Access through the Refuge onto and off of the existing railroad berm would be limited to construction equipment required to construct the bridges. The equipment could include a small excavator required to construct the abutments and a crane required to install the bridges. Plywood would be placed in the path in order to minimize disturbance to existing vegetation. The equipment would be moved onto

RESPONSES TO COMMENT LETTER RECEIVED FROM UNITED STATES DEPARTMENT OF THE INTERIOR (FISH AND WILDLIFE SERVICE - SAN DIEGO NATIONAL WILDLIFE REFUGE COMPLEX), SIGNED BY ANDREW YUEN, DATED JULY 13, 2007 (cont'd.)

**Response to Comment FWS (Refuge):** (cont'd)  
The berm (and out of the Refuge) and the plywood would then be removed immediately. Each event is anticipated to last approximately 1-2 hours."

ER pages 3-13 and 5.2-31 have been revised to clarify this proposal.

ER page 3-13 has been revised as follows:

"... the project would temporarily disturb coastal salt marsh habitat as the result of construction equipment traversing the temporary paths a total of two times each (once, to the site to construct the bridges, and once upon completion). The first event would involve moving the construction equipment onto the berm. Plywood would be placed in the path of the construction equipment in order to minimize disturbance to existing vegetation. The construction equipment would be moved onto the berm (and out of the Refuge) and the plywood would then be removed immediately. Each event is anticipated to last approximately 1-2 hours.

ER page 5.2-31 has been revised as follows:

"As described in Section 3.0 Project Description, Only construction personnel and the construction equipment necessary to construct the bridges and a small drilling rig would move over the plywood paths."

**Response to Comment FWS (Refuge):**  
(Construction Staging Areas). The staging area referenced by the commenter is no longer proposed due to the issues identified in the comment. ER Figures 5.2-3b and 5.2-3c have been revised accordingly.

ER Mitigation Measure 13 and the MMRP have also been amended to include the following requirement:

"Construction plans shall indicate that the construction staging areas shall not be located within the Refuge."

RESPONSES TO COMMENT LETTER RECEIVED FROM UNITED STATES DEPARTMENT OF THE INTERIOR (FISH AND WILDLIFE SERVICE - SAN DIEGO NATIONAL WILDLIFE REFUGE COMPLEX), SIGNED BY ANDREW YUEN, DATED JULY 13, 2007 (cont'd.)

**Response to Comment FWS (Refuge)8:**

**(Long-Term Maintenance).** Maintenance will be provided as per typical City Maintenance plans. However, as identified in preceding response to comment FWS(Refuge)4, issues raised by the commenter (trash removal, eradication of invasive plants within the right-of-way, fence repairs, berm erosion, or other routine maintenance needs) will be addressed as required by proposed EIR mitigation measures and the SWMP for the proposed project.

**Response to Comment FWS (Refuge)9:**

**(Construction Site Security).** The measures suggested by the commenter regarding construction site security (preventing unauthorized access onto the project site and adjacent salt ponds) will be implemented. These measures are typically employed by the City at construction sites to address issues such as vandalism and theft.

Mitigation Measure A3 has been added to the ER. The new mitigation measure can also be found on page MMRF-3 of the MMRF. The new mitigation measure is as follows:

"Construction plans shall include provisions for site security in order to prevent unauthorized access onto the project site and adjacent salt ponds during construction. Specific site security measures could include the installation of barriers and locked gates at both ends of the construction alignment and, if necessary, the presence of a security officer to patrol the construction site when no construction activities are underway."

**Response to Comment FWS (Refuge)10:**

**(Night Lighting).** As identified in the ER, no night lighting is proposed. Mitigation Measure BR19 has been added as follows:

"No nighttime lighting shall be allowed during project construction or operation."

This mitigation measure has also been added to the MMRF.

RESPONSES TO COMMENT LETTER RECEIVED FROM UNITED STATES DEPARTMENT OF THE INTERIOR (FISH AND WILDLIFE SERVICE - SAN DIEGO NATIONAL WILDLIFE REFUGE COMPLEX), SIGNED BY ANDREW YUEN, DATED JULY 13, 2007 (cont'd.)

**Response to Comment FWS (refuge)1):**

**(Timing of Construction).** The City is aware that the seasonal window for construction extends from October 1 through February 14. However, the timing of construction was incorrectly specified in Mitigation Measure B11.6. As such, EIR pages E5-20 and E.2-56, as well as the MMRP have been revised as follows:

**B11.6.** Construction activities shall occur outside of the breeding period of the light-footed clapper rail (October 1 through February 14 ~~March 1 to August 1~~), least ten  
..."

Comment Letter FWS  
(Refuge)  
(cont'd)

Ms. Kristen Forbarger

4

FWS  
(Refuge)12

**RESPONSE TO COMMENT LETTER RECEIVED FROM UNITED STATES DEPARTMENT OF THE INTERIOR (FISH AND WILDLIFE SERVICE - SAN DIEGO NATIONAL WILDLIFE REFUGE COMPLEX), SIGNED BY ANDREW YUEN, DATED JULY 13, 2007 (cont'd)**

**Response to Comment FWS (Refuge)12:**  
**(Refuge Access During Construction).** Provision for coordination with the Refuge manager has been included in the MMWP in response to this comment. Please refer to MMWP pages MMWP-3, MMWP-12, and MMWP-13, and Mitigation Measures A1 and B15 (as amended).

FWS  
(Refuge)13

**Response to Comment FWS (Refuge)13:**  
**(Consistency with the San Diego Bay NWR CCP).** A discussion of the South San Diego Bay Comprehensive Conservation Plan (CCP) is in the EIR. The four goals for the South San Diego Bay Unit are identified on Page 5.1-4 of the EIR. The Service identified the Bayside Bikeroute in the CCP. A discussion of consistency with the goals of the CCP for the San Diego Bay Unit of the National Wildlife Refuge (NWR) has been added to Page 5.1-15 of the EIR. The revisions are as follows:

FWS  
(Refuge)14

**Response to Comment FWS (Refuge)14:**  
**(Wildlife)** Ponds 20 and 22 are separated from the haul road and, thus, the bike path, by ponds 23, 24, 25 and 26. In particular, ponds 23, 24 and 25 are large and provide a visual buffer from activities on the haul road and from proposed activities on the bike path. While it is acknowledged that the salt works in general, and ponds 20 and 22 in particular, are important for avian wildlife, it is unlikely that birds visually buffered by multiple ponds and berms will be disturbed by use of the bike path.

FWS  
(Refuge)15

**Response to Comment FWS (Refuge)15:**  
**(Mitigation for Impacts to Disturbed Coastal Sage Scrub)** - The coastal sage scrub that would be impacted by this project is an extension of habitat that occurs within the Refuge. As such, we recommend that the loss of this habitat be replaced with a mix of the native species

12. (Refuge Access During Construction) - To ensure that construction phasing takes into consideration the need for the salt works operator and the Refuge to access the salt pond levees at the southern most end of the bay during the construction, we request that the construction manager coordinate with the Refuge Manager prior to initiating construction.

13. Page 5.1-15 (Consistency with the San Diego Bay NWR CCP) - The discussion of consistency with the Central San Diego Bay NWR CCP for the San Diego Bay NWR should be revised in the Final EIR to analyze the potential effects of the construction and operation of the bikeway segment on the goals of the South San Diego Bay Unit as described in the CCP. When the Service analyzed the effects of various wildlife management proposals on the implementation and operation of the Bayside Bikeroute in our CCP/EIS, we concluded that our wildlife management proposals would not interfere with or diminish the implementation and operation of the Bayside Bikeroute. The Final EIR should include a similar analysis. For example, Goal 4 of the South San Diego Bay Unit states: provide opportunities for compatible wildlife-dependent recreation and interpretation. The analysis would evaluate the potential benefits of the proposed bikeway on meeting this goal. To assist the City in the development of an appropriate analysis of the project's consistency with the CCP, the goals and proposed actions for the Refuge, as described in the Final CCP/EIS (USFWS 2006), are attached.

14. Page 5.2-22 (Wildlife) - The Final EIR should include a discussion of the importance of Pond 20 and Pond 22 to nesting and resting of black-necked stilts. Both of these species are listed as endangered within Pond 20 and along the existing perimeter bikeway that runs southeast of Pond 22. The importance of these nesting species is emphasized in the Southern Pacific Shorebird Conservation Plan (Hickey et al 2003), which includes increasing or maintaining the breeding populations of black-necked stilts and American avocets within the Southern Pacific Region as a conservation priority.

In our letter to the City, dated June 17, 2005, we requested that pre- and post-project monitoring of bird use adjacent to the bike path be implemented to evaluate the effects on resident and migratory bird species of introducing human activity onto the inland berm. We again request that monitoring of bird activity be conducted to permit a more accurate assessment of the effects of human disturbance associated with bike path use on foraging and nesting birds. The monitoring program would allow us to evaluate the long-term effects of human use on the bike path to migratory and resident birds. We do not believe that use of anecdotal observations of impacts from trail use along the Middle Hill Trail and the Sweetwater River flood control channel, trails with very different site conditions and affected species, is a substitute for pre- and post-project monitoring.

15. (Mitigation for Impacts to Disturbed Coastal Sage Scrub) - The coastal sage scrub that would be impacted by this project is an extension of habitat that occurs within the Refuge. As such, we recommend that the loss of this habitat be replaced with a mix of the native species

Comment Letter FWS  
(Refuge)  
(cont'd)

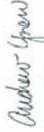
Mr. Kristen Forbarger

FWS  
(Refuge)15  
(cont'd)

currently present on the berm rather than with a monoculture of cholla. Revegetation with a mix of native species would more appropriately offset the loss of high tide refugia habitat for light-footed clapper rails and other species supported on the Refuge.

We appreciate this opportunity to provide comments on the Bayside Bikeway Western Salt Segment DEIR. If you have any questions about our comments, please contact our office at 760-930-0168.

Sincerely,



Andrew Yuen  
Project Leader  
San Diego National Wildlife Refuge Complex

cc: Frank Gaters, City of San Diego, Engineering and Capital Projects Department  
Don Brubaker, Refuge Manager, U.S. Fish and Wildlife Service  
Kurt Boubak, U.S. Fish and Wildlife Service  
L. Breck McAlexander, California Department of Fish and Game

REFERENCES CITED

Hickey, C., W.D. Shuford, O.W. Page, and S. Warnock. 2003. Version 1.1. The Southern Pacific Shorebird Conservation Plan: A strategy for supporting California's Central Valley and coastal shorebird populations. PRBO Conservation Science, Station Beach, CA.

U.S. Fish and Wildlife Service. 2006. San Diego Bay National Wildlife Refuge, Sweetwater Marsh and South San Diego Bay Units, Final Comprehensive Conservation Plan and Environmental Impact Statement. San Diego National Wildlife Refuge Complex, Carlsbad, California.

ENCLOSURE

San Diego Bay NWR Final Comprehensive Conservation Plan and Environmental Impact Statement Summary, August 2006

RESPONSES TO COMMENT LETTER RECEIVED FROM UNITED STATES DEPARTMENT OF THE INTERIOR (FISH AND WILDLIFE SERVICE - SAN DIEGO NATIONAL WILDLIFE REFUGE COMPLEX), SIGNED BY ANDREW YUEN DATED JULY 13, 2007 (cont'd)

Response to Comment FWS (Refuge)15:  
The proposed seed mix for revegetation of the impacted areas currently containing Cholla is as follows:

Species	Lbs./Acre	Minimum% Pure/Germ
coastal sagebrush ( <i>Artemisia californica</i> )	3	15/50
California encelia ( <i>Ercella californica</i> )	3	40/60
California buckwheat ( <i>Eriogonum fasciculatum</i> )	12	50/10
laurel sumac ( <i>Micrasma laurina</i> )	3	90/70
chaparral broom ( <i>Baccharis pilularis</i> )	2	02/40
goldenbush ( <i>Isocoma menziesii</i> )	4	30/30
bicolor cutweed ( <i>Grigopolium bicolor</i> )	3	02/50
deerweed ( <i>Lotus scoparius</i> )	6	90/80

Seed Mix for Diegoan Coastal Sage Scrub Revegetation



United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Ecological Services  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road  
Carlsbad, California 92009



Comment Letter FWS  
(ES)

RESPONSES TO COMMENT LETTER RECEIVED FROM UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE - ECOLOGICAL SERVICES), SIGNED BY THERESE O'ROURKE, DATED JULY 13, 2007

In Reply Refer To:  
FWS-SDG-3172.4

JUL 13 2007

Ms. Kristen Forbarger  
City of San Diego, Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101

Subject: Comments on the Draft Environmental Impact Report for the Bayside Bikerway  
Western Salt Segment, City of San Diego, California (SCH #2002121129)

Dear Ms. Forbarger:

The U.S. Fish and Wildlife Service - Ecological Services, has reviewed the draft Environmental Impact Report (DEIR), dated May 29, 2007, and supporting documentation for the proposed Bayside Bikerway Western Salt Segment.

The project area is located within the Multi-Habitat Planning Area (MHPA) of the City of San Diego (City) Multiple Species Conservation Program (MSCP). The MSCP requires that the City develop area specific management directives (ASMDs) for the light-footed clapper rail and the Belding's savannah sparrow for implementation to protect these species from edge effects. To our knowledge, the City has not developed these ASMDs. In order for the City to demonstrate that the proposed project conforms to the MSCP, the Final EIR should address the City's obligation to prepare ASMDs for these species relative to the proposed project.

We appreciate this opportunity to provide additional input into the CEQA process for the Bayside Bikerway Western Salt Segment. If you have any questions about our comments, please contact Kurt Roblek, Senior Biologist, (760) 431-9440 x 108.

Sincerely,

Therese O'Rourke  
Assistant Field Supervisor  
Carlsbad Fish and Wildlife Office  
U.S. Fish and Wildlife Service



Response to Comment FWS (ES):  
The City acknowledges that the MSCP requires development of specific management directives (ASMDs) for the light-footed clapper rail and the Belding's savannah sparrow for implementation to protect these species from edge effects. Page 5.2.3 of the EIR under the "City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan" discussion has been modified as follows:

"Area Specific Management Directives (ASMDs) are required for the Belding Savannah Sparrow and the Light Footed Clapper Rail pursuant to the MSCP. ASMDs would include specific measures to protect against detrimental edge effects to these species, as well as for the LFCR, include active management of wetlands to ensure a healthy tidal saltmarsh environment. ASMDs for these species would consist of the installation of a chain link fence along both sides of the bike path for its entire length (with the exception of the two bridges) to prevent access onto the Refuge, design of the fence to maximize screening and prevent predation from raptor species, inclusion of water quality control measures, limiting construction to non-breeding season, restriction on plantings to native, non-invasive species, etc."

For the proposed Bayside Bikerway project, specific measures have been identified to protect these species from edge effects and are proposed in the EIR and MMMP. These measures include: the installation of a chain link fence along both sides of the bike path for its entire length to prevent access onto the Refuge, design of the fence to maximize screening and prevent predation from raptor species, inclusion of water quality control measures, limiting construction to non-breeding season, restriction on plantings to native, non-invasive species, etc.

The City believes that these measures equate to area specific management directives as they have been developed in consultation with the USFWS and specifically to address the conditions in the project corridor.

FWS (ES) 1

Comment Letter DFG

RESPONSES TO COMMENT LETTER RECEIVED FROM THE STATE OF CALIFORNIA DEPARTMENT OF FISH AND GAME, SIGNED BY MICHAEL J. MULLIGAN, DATED JULY 13, 2007

Response to Comment DFG Intro:  
Introductory comments are rolled.

State of California - The Resources Agency

DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov  
Sacramento  
4949 Villalobos Avenue  
San Diego, CA 92123  
(858) 467-4201



ARNOLD SCHWABENEGGER, Governor

July 13, 2007

Ms. Kristen Feiburger  
City of San Diego, Development Services Center  
1222 First Avenue, MS 301  
San Diego, CA 92101

Comments on the Draft Environmental Impact Report for the  
Bayshore Bikeway Western Salt Segment, City of San Diego, California  
(SCH #2002.121129)

Dear Ms. Feiburger:

The California Department of Fish and Game (Department) has reviewed the above-referenced draft Environmental Impact Report (EIR) dated May 29, 2007. We have also reviewed the comment letter to the EIR prepared by the United States Fish and Wildlife Service, San Diego National Wildlife Refuge, dated July 13, 2007 (USFWS 84616). The comments and recommendations provided therein are based on information provided in the EIR, our knowledge of sensitive biological resources in the County of San Diego, and our participation in regional conservation planning efforts. We note that the public review period set by the State Clearinghouse ends July 13, 2007, and Section 15087(c) of the California Environmental Quality Act (CEQA) Guidelines states, "When a draft EIR has been submitted to the State Clearinghouse, the public review period shall be at least as long as the review period established by the Clearinghouse." Therefore, we presume that this letter will be included in the formal record considered by the decision-making body.

The Department is a Trustee Agency and a Responsible Agency pursuant to the CEQA (Sections 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning Program.

We offer the following comments and recommendations to assist the City of San Diego (City) in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with all applicable requirements of the City's approved Multiple Species Conservation Program (MSCP) Subarea Plan.

The proposed alignment of the Western Salt Segment of the Bayshore Bikeway, a 1.8-mile long, Class 1 bicycle path, would extend along the southern-most end of San Diego Bay. The majority of the alignment is within the Metropolitan Transit System's railroad right-of-way.

DFG Intro

Comment Letter DFG  
(cont'd)

Ms. Kristen Forbarger  
July 13, 2007  
page 2 of 4

which is bordered on both sides by lands within the South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge. The coastal wetlands that occur in proximity to the project site support several bird species listed as endangered under the state CESA, and tens of thousands of migratory shorebirds, waterfowl, and other waterbirds, including a number of species that nest in the project area and adjacent wetlands. The project area is also located within the Multi-Habitat Plan Area (MHPA) of the City of San Diego (City Multiple Species Conservation Program (MSCP)).

The Draft Mitigation, Monitoring and Reporting Program (DMMRP) for the proposed project requires that an approved biologist be present at a minimum during initial grading and for any earthwork in or adjacent to habitat during any potential nesting season. To reduce impacts to below a level of significance, the DMMRP also prohibits construction activities during the breeding period for the light-footed clapper rail, least tern, oenothera wren, Belding's savannah sparrow, and western snowy plover, unless otherwise permitted. The DMMRP also requires that 1.35 acres of permanently impacted Diagan coastal sage scrub inside the MHPA be mitigated at a 1:1 ratio by creation in-site or by contributing said ratio of coastal sage scrub to the habitat acquisition fund (for contribution thereof, per approval). The DMMRP proposes a restoration and monitoring plan for shrub dominated coastal sage scrub for permanent impacts and a salt marsh restoration enhancement program for temporary impacts to estuarine wetlands.

We request that all modifications to the mitigation measures in the Final EIR also be made to the Final Mitigation Monitoring and Reporting Program.

1. The Department incorporates by reference the comments in the USFWS Refuge's letter regarding the fencing placement and design (comment #3), the widening of the existing berm (comment #4), long-term maintenance of the bikeway (comment #8), construction site security (comment #9), lighting of the bikeway (comment #10), timing of construction (comment #11), indirect effects on sensitive and resident and migratory avian species (comment #14), and mitigation for impacts to coastal sage scrub (comment #15).

2. The DEIR provides a fairly detailed discussion about construction impacts to biological resources, but the analysis of the potential impacts from the operation of the project is less detailed. The DEIR does not discuss the potential impacts to birds, as well as to nesting success and nests which could be permanently displaced from the current nesting areas within Ponds 20 and 22 is inadequate. The Final EIR should revise this analysis to more thoroughly address these operational effects, including noise and line-of-sight disturbances. Users of the bike path will be highly visible from the adjacent salt ponds and the mere addition of human activity on the berm is likely to trigger a flight response by adjacent foraging and nesting birds, at least initially. Disturbance to foraging and nesting resident and migratory birds can reduce their ability

<sup>1</sup> These include the light-footed clapper rail (*Rallus longirostris* irroratus), the endangered oenothera wren, and Belding's savannah sparrow (*Passerculus sandwichensis* bairdii). Pursuant to Section 3011 of the California Fish and Game Code, the designation of State Fully Protected wildlife, or possession of this animal, is a crime under the law of the State of California. This also applies to any parts of the animal (e.g., in the case of birds, their eggs).

RESPONSES TO COMMENT LETTER RECEIVED FROM THE STATE OF CALIFORNIA DEPARTMENT OF FISH AND GAME, SIGNED BY MICHAEL J. MULLIGAN, DATED JULY 13, 2007 (cont'd)

**Response to Comment DFG1:**  
Please refer to the responses to U.S. Fish and Wildlife Service (San Diego National Wildlife Refuge Complex) letter dated July 13, 2007. The written responses to the Refuge comment letter are provided in responses to comments FWS[Refuge1] through FWS[Refuge1]5.

**Response to Comment DFG2:**  
Ponds 20 and 22 are separated from the haul road and, thus, the bike path, by ponds 23, 24, 21, 25 and 26. In particular, ponds 23, 24 and 25 are large and provide a visual buffer from activities on the haul road and from proposed activities on the bike path, while it is acknowledged that the salt works in general, and ponds 20 and 22 in particular, are important for avian wildlife, it is unlikely that birds visually buffered by multiple ponds and berms will be disturbed by use of the bike path.

DFG Intrc  
(cont'd)

DFG1

DFG2

Comment Letter DFG  
(cont'd)

Ms. Kristen Foubreger  
July 13, 2007

page 3 of 4

to meet their energy requirements by causing the bird to expend energy when flying away from the site. If disturbance occurs, no frequency those birds that do not habituate could permanently leave the area (Farr et al., 2002).

3. We recommend that the Final EIR (a) require that the USFWS and the Department (i.e., the Wildlife Agencies) have the opportunity to review and approve the pre- and post-project monitoring program requested by the USFWS (comment #14 in their letter) prior to its implementation, and (b) require that, if the monitoring program reveals adverse effects unaccounted for in the EIR from the human use of the bikeway, the City coordinate with the Wildlife Agencies to determine appropriate measures to be implemented to reduce them. In the absence of data from the requested pre- and post-monitoring program, the conclusion in the DEIR that no project-related significant adverse effects would occur cannot be demonstrated. Therefore, the Final EIR should consider to what extent the introduction of human activity on the railbed will be beneficial to the birds. The City should engage a biologist to monitor resident and migratory birds, unless mitigated by the implementation of a Wildlife Agency-approved avian monitoring program, and any measures determined to be necessary as a result of the data.<sup>3</sup>

4. The MSCP requires that the City develop area specific management directives (ASMDs) for the light-footed clapper rail and the Belding's savannah sparrow for implementation to protect these species from edge effects. To our knowledge, the City has not developed these ASMDs. In order for the City to demonstrate that the proposed project conforms to the MSCP, the Final EIR should address the City's obligation to prepare ASMDs for these species relative to the proposed project.

5. The light-footed clapper rail and the Belding's savannah sparrow are resident species and, thus, may be found in the project area year-round. Therefore, in addition to the proposed measure requiring that a biologist monitor the project during initial grading and for any other construction activities that could affect these species, the Final EIR should also require that a qualified biologist be on site during all construction activities with the potential to affect these species, regardless of the season. If the biologist monitor determines, based on current conditions or due to a particular situation, that construction activities will result in significant adverse effects on the light-footed clapper rail or Belding's savannah sparrow, all construction activities in the affected area shall cease and the Wildlife Agencies shall be notified immediately. If necessary, Wildlife Agency-approved (at that time) measures would then be implemented to avoid the potential for future similar adverse effects. The ASMDs for these two species should contemplate construction-related disturbances (comment #4).

<sup>3</sup> While section 15176.4(b)(1)(B) of the CEQA Guidelines requires that formulation of mitigation measures should not be deferred until some future time, we consider the proposed approach acceptable as it is necessary to determine the extent of the impacts and to develop measures to avoid, minimize or compensate for or minimize observed impacts to a level less than significant. The same list of measuring applies to comment #14.

RESPONSES TO COMMENT LETTER RECEIVED FROM THE STATE OF CALIFORNIA DEPARTMENT OF FISH AND GAME, SIGNED BY MICHAEL J. MULLIGAN, DATED JULY 13, 2007 (cont'd.)

Response to Comment DFG3:

The City does not concur that the project would have a long-term effect related to foraging and nesting for resident and migratory birds. Please refer to response to comment DFG2. Measures have been proposed to avoid impacts to sensitive avian species, including the placement of chain link fence on either side of the bike path so that bike path users are confined to the right-of-way and no disturbance or harassment to adjacent species will occur. Therefore, it is unlikely that birds visually buffered by multiple ponds and berms will be disturbed by use of the bike path, and specific measures are proposed for the project (i.e., fencing) to address potential disturbance. Long-term monitoring of sensitive avian species in the project area is currently not proposed.

Response to Comment DFG4:

Please refer to response to comment FWS(E)31.

Response to Comment DFG5:

The City intends to conduct biological monitoring during construction of the proposed project. Construction will occur only during the non-breeding/nesting season identified as the period between October 15 and February 14<sup>th</sup>. As such, the Department's request in the comment that a qualified biologist be on site during all construction activities to monitor activities with the potential to affect avian species, is already proposed in proposed project mitigation measures. Specifically, please refer to Mitigation Measures B82 through B84. For example, Mitigation Measure B85 includes the requirement that "...the qualified biologist should be present when initial grading is occurring in the vicinity of sensitive habitat and for any earthwork in or adjacent to habitat during any potential avian nesting season to ensure conformance with state and federal migratory bird acts." Mitigation Measure B86 includes the requirement that "...the qualified Biological Monitor shall be on site at a minimum when initial grading is occurring adjacent to wetland habitats and/or potential occupied avian or sensitive species habitat, to ensure that no take of sensitive species or active bird nests occurs. ... The biological monitor shall have the authority to divert work or temporarily stop operations to avoid previously-unanticipated significant impacts."

DFG2  
(cont'd)

DFG3

DFG4

DFG5

Comment Letter DFG  
(cont'd)

Mr. Kristina Forberger  
July 13, 2007

page 4 of 4

6. The Final EIR should (a) provide a figure that depicts the location of all the staging areas for the project; (b) clarify the additional, if any, impacts on sensitive habitats within the staging areas; and (c) require appropriate compensatory mitigation for the impacts on these sensitive habitats.

DFG6

7. The Final EIR should require that proposed free stanching signs are designed in a manner to discourage rip-roar parking and avoid the potential for reptiles' talons to get caught should they perch on the signs. In addition to the signs reminding pet owners to clean up pet waste, the Final EIR should require an ongoing supply of bags for pet waste and self-cleaning trash receptacles at both ends of the new segment of the bike path to enable pet owners to comply.

DFG7

We appreciate this opportunity to comment on the DEIR for the Bayshore Bikeway Western Sail Segment. We are available to work with the City to address the concerns raised in this comment letter. If you have any questions about our comments, please contact L. Brock McAlister at the Department at (838) 467-4429.

Sincerely,

*Dale A. Kaye*  
Michael J. Mulligan  
Deputy Regional Manager  
California Department of Fish and Game

cc: State Clearinghouse  
Dwight Brinkley, Refuge Manager, U.S. Fish and Wildlife Service  
Kurt Robblee, U.S. Fish and Wildlife Service

References Cited

West, A.D., J.D. Goss-Custard, R. A. Stillman, R.W.G. Caldow, S.E.A. Le Y. dit Durell and S. McGroarty. 2002. Predicting the impacts of disturbance on shorebird mortality using a behaviour-based model. Biological Conservation 106:319-328.

RESPONSES TO COMMENT LETTER RECEIVED FROM THE STATE OF CALIFORNIA DEPARTMENT OF FISH AND GAME, SIGNED BY MICHAEL J. MULLIGAN, DATED JULY 13, 2007 (cont'd.)

Response to Comment DFG6:

The proposed interpretive signs will range in height from 28" to 50", are curved, and not located immediately adjacent to sensitive habitat. Because the signs are relatively low profile (approximately 4 feet maximum height) and are curved, they are not anticipated to attract ropters.

Response to Comment DFG7:

The proposed construction staging area located within the Refuge as identified in the EIR has been removed from the project (see response to comment FWS(Refuge)7). While the originally proposed staging area would have provided added convenience to the contractor, there are opportunities for construction staging in the immediate vicinity of the project bikeway that are not located within sensitive habitat and can be utilized for the proposed project construction. The bikeway construction plans include a note that reads:

"Contractor's staging area and storage area shown on these plans is for environmental processing purposes only. Contractor shall be fully responsible for finding and obtaining use of suitable staging and storage area."

The contractor will be required to coordinate with the property owner to get approval of any staging area.

BRANDT-HAWLEY LAW GROUP

Environment Preservation

Susan Brandt-Hawley  
Paige J. Swarley  
Rachel Howlett

Chauvet House PO Box 1659  
Glen Ellen, California 95442

Legal Assistants  
Sara Hewes  
Shannen Jones

July 12, 2007

Kristin Forburger, Associate Planner  
City of San Diego Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101

via email: [DSDEAS@sandiego.gov](mailto:DSDEAS@sandiego.gov)

Re: Draft EIR Comments  
Project 1901, SCH No. 2002121129  
Bayshore Bikeway Western Salt Segment  
Site Development Permit

Dear Ms. Forburger:

I am providing these comments on behalf of San Diego's Save Our Heritage Organisation (SOHO). SOHO has been very vigilant in its efforts to make sure that the Coronado Belt Line's historic status is recognized and taken into consideration in the design of the Bayshore Bikeway. As the City knows, SOHO successfully took legal action when the San Diego City Council overturned the Belt Line's historic site designation, and the historic status was reinstated.

SOHO has participated in very productive, cooperative discussions to further the design of the Bikeway's Western Salt Segment, and supports the project as described at the outset of the EIR. However, SOHO was surprised to discover an additional, ill-advised project element proposing to remove the existing wooden railroad ties. The EIR acknowledges that the removal would aesthetically alter the existing visual components of the Coronado Belt Line and would conflict with the City's Historical Resources Regulations. (E.g., EIR at 1-2.)

SOHO requests that the EIR include, as an additional project mitigation measure, a mandatory condition that the Belt Line's wooden railroad ties must remain in place. Happily, this would both save costs and avoid a significant environmental impact. There is no substantial evidence that keeping the ties in

98 • 707.576.0198 • fax 707.576.0175 • [susanbhl@econet.org](mailto:susanbhl@econet.org)

EXHIBIT NO. 5
APPLICATION NO.
<b>6-07-79</b>
Comment Letter from SOHO/City Response
Page 1 of 5
 California Coastal Commission

way Western Salt Segment

RTC-9

August 2007

RESPONSES TO COMMENT LETTER RECEIVED FROM BRANDT-HAWLEY LAW GROUP ON BEHALF OF THE SAN DIEGO'S SAVE OUR HERITAGE ORGANISATION (SOHO), SIGNED BY SUSAN BRANDT-HAWLEY, DATED JULY 12, 2007

Response to Comment BHLG(SOHO):

The City concurs that cooperative and productive discussions have transpired between representatives of SANDAG, the City of San Diego, and SOHO with the goal of designing the proposed bikeway in a manner that would maintain as much of the locally-designated historic features of the Coronado Belt Line (CBL) as feasible. To achieve this goal, the project was significantly redesigned in an effort to respond to SOHO's input and concerns regarding the proposed project. Specific project features that have been incorporated include: 1) maintaining the existing railroad trestle bridges in their current condition and in a manner that maintains the ability to view the structures from various locations; 2) maintaining the existing steel rails in place; 3) providing interpretive facilities regarding the history of the CBL on the proposed bikeway segment.

However, the City does not concur with the commenter that maintaining the wooden railroad ties in place is feasible, nor that maintaining the wooden railroad ties in place would save costs as well as avoid a significant environmental impact to this locally designated historic resource. The basis of this conclusion is as follows:

1. There is no feasible alternative to the proposed project that could avoid or lessen this significant, unavoidable impact associated with the proposed project.

Pursuant to CEQA Guideline Section 15126.6(a), the EIR analyzes a reasonable range of alternatives that could avoid or substantially lessen the significant impacts of the proposed project. The range of alternatives that would completely avoid any alteration to the CBL is severely restricted by the presence of highly sensitive wetland habitats and endangered species, and the San Diego National Wildlife Refuge, which borders the project on both sides of the MTS right-of-way. Any permanent encroachment outside the right-of-way into the Refuge would not be permitted (see U.S. Fish and Wildlife [San Diego National Wildlife Refuge] comment letter - comment # 6, also Clean Water Act Section 404(b)(1) regarding least damaging practicable alternative).

Comment Letter BHLG  
(SOHO)  
(cont'd)

place, as exists in the City of Coronado, would cause any significant environmental problem or expense. As a feasible mitigation measure to reduce impacts, keeping the ties in place therefore must be implemented by the City to reduce impacts on the Belt Line's historic status. (CEQA Guideline § 15126.4; *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029.)

With the inclusion of a condition that the historic wooden ties must remain in place, SOHO will support the compromise Bikeway project.

Thank you for the opportunity to comment.

Sincerely,

Susan Brandt-Hawley

BHLG  
(SOHO)  
(cont'd)

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Response to Comment BHLG(SOHO)1: (cont'd.)

EIR pages 11-1 through 11-8 describe in detail the constraints within the project area and the rationale as to the selection of the preferred alignment. Furthermore, Section 11.0 Alternatives provides an evaluation of five different alternatives to the proposed project, with the primary emphasis of avoiding or reducing the potentially significant impacts of the proposed project associated with the CBL. With the exception of "Alternative C Remove Track/Railroad Bridge Rehabilitation", each of the alternatives would avoid the impact to the CBL. However, the EIR also identifies that each of these alternatives are not considered feasible.

As identified on EIR page 11-8, the City did consider, but rejected, an alternative that would retain the wooden ties in place. This alternative would be identical to the proposed project, with the exception that the existing timber railroad ties located within the proposed bikeway corridor, would not be removed (removal of the timber ties is proposed as part of the project). This alternative has been rejected from further consideration because it presents potential maintenance and safety problems. The timber ties are in various states of deterioration, and are expected to continue to deteriorate. The project would place compacted material over the ties, and the bike path would be expected to experience surface pavement deterioration (potholes, cracks, and surface level changes) over time, as the ties continue to deteriorate and crumble under the bike path surface, creating voids under the bike path users. Additionally, as described in the EIR, the alternative is rejected from further consideration because it does not reduce or avoid any significant impact associated with the proposed project, yet it would increase maintenance activity along the corridor. Even under this alternative (retain wooden ties in place), the significant, unavoidable impact identified to the CBL would remain, as the project would visually alter this resource.

2. Retaining the wooden ties (bury in place) is not feasible from a health and safety standpoint.

As described above, the timber ties are in various states of deterioration, and are expected to continue to deteriorate. The bike path would be expected to experience surface pavement deterioration (potholes, cracks, and surface level

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**Response to Comment BHLG(SOHO)1: (cont'd)**

changes) over time, as the ties continue to deteriorate and crumble under the bike path surface, creating voids under the bike path users and an uneven path surface. This situation is considered unsafe and presents significant safety issues for future users of the bike path.

**3. The costs associated with this alternative is significantly greater than the preferred project alternative.**

Retaining the wooden ties in place would increase the cost of construction of the proposed project. This significant cost increase is a result of the difficulties with respect to the constructability and future maintenance of the project.

The City does recognize that other portions of the CBL, located outside the jurisdiction of the City of San Diego have been retained (e.g.'s, National City, Imperial Beach, and Coronado). However, these areas are differentiated in that the wooden ties were in relatively good condition, reducing the maintenance concerns.

A study commissioned by SANDAG, "Proposed South Bay Excursion Train," (BRW, 1996) examined the condition of the Coronado Branch line. According to the report:

The condition of the rail/ties through the Salt Works Ponds:

"The track in this stretch is intact except for a couple of rails that have been removed. However, the track section is fouled with medium to dense brush. Rail and tie plate condition ranges from moderate to extreme corrosion. In some places the tie plates are completely rusted through and/or the rail base is severely corroded. The tie condition is poor to very poor where the ties are not too obscured by dirt and brush to see. There are long distances with no competent ties. The track is bedded in sand and dirt. The subgrade consists of sandy soil through a salt marsh."

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**Response to Comment BHUG(SOHO)1: (cont'd.)**

Furthermore, in June 2002, a Review of Findings on California Register Eligibility: The Coronado Railroad San Diego County CA was prepared for submission to the State Historic Resources Commission by JRP Historical Consulting Services of Davis, California.

This Review is attached to the EIR as Appendix C2. As noted on page 2 of that Review, in addition to studying the existing reports on the rail line and conducting extensive field reconnaissance of the line, the JRP staff also uncovered primary source documents at the California State Archives, the California State Railroad Museum and the San Diego Historical Society Archives. Consequently, the JRP document presents the most comprehensive study of the rail line conducted to date and provides information that is relevant to the issue of the existing wood ties.

The JRP Review acknowledged that the Line was originally built with 45 lb. rails, but it found that the most common rails present today are 75 lb. and "a substantial amount of it was laid sometime between 1927 and the 1930s; indicated by the dates on rails and tie plates." (JRP, p. 22)

"Ties also have to be replaced periodically. Untreated ties have an average life of only about 25 years, whereas treated ties have an expected life span against decay of about 40-50 years. The original ties on the Coronado Railroad were untreated and were undoubtedly about 20% smaller than the ties that replaced them in the 20<sup>th</sup> Century." (JRP p. 23)

"The manufacturing dates on various components combined with historic documentation strongly suggests a 20<sup>th</sup> century date of construction covering a span of years from about 1916 into the 1930s, with substantial modifications to important engineering structures and the roadbed occurring during World War II and in the 1950s." (JRP, p. 23)

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**Response to Comment BHLG(SOHO)1:** (cont'd.)

If it is assumed that the existing ties were treated, their life span could reach 50 years. And if it is further assumed that the rails were replaced at the latest possible time in the life of this rail line, in the 1950s, they would have already out-lived their life span in the best of conditions. Here the sub-grade conditions consist of sandy soil through a salt marsh.

- 4. The resource will remain buried, and although preserved in place, will still not be visible therefore the significant, unavoidable impact would remain.**  
As stated in Item #1, even under the alternative which would retain the wooden ties in place, the significant, unavoidable impact identified to the CBL would remain as the project would visually alter this resource.

**RECOMMENDED ALTERNATIVES FOR REDUCING SIGNIFICANT IMPACTS:**

With the exception of the No Project Alternative, none of the project alternatives analyzed in this EIR would completely eliminate all of the significant land use, biological resources and historical resources impacts of the proposed project. Selection of any of the alternatives, with the exception of the Remove Track/Railroad Bridge Rehabilitation Alternative, would reduce or eliminate the proposed project's contribution to one or more of the significant impacts.

No Project Alternative

The **No Project Alternative** assumes that no development occurs on the proposed project site. Implementation of the No Project Alternative would continue the vehicle/bicycle conflicts that currently exist from using the existing bike lanes (along roadways). Implementation of the No Project Alternative would reduce the project's impacts to land use, biological resources and historical resources to below a level of significance. However, the No Project Alternative would fail to meet all of the project's objectives, including the goals of the City of San Diego Bicycle Master Plan and the San Diego Association of Governments' (SANDAG) Bayshore Bikeway Plan.

Pond 20 Alternative:

The **Pond 20 Alternative** assumes realignment of the bikepath through Salt Pond 20, located south of the proposed alignment, to Saturn Avenue (north of Palm Avenue). This alignment would avoid the locally-designated historic CBL by rerouting the bikepath through Salt Pond 20. Much of Pond 20 consists of waters of the United States and State of California Coastal Wetlands. Implementation of the Pond 20 Alternative would reduce the unmitigable impact to land use and historical resources, as it would avoid alteration of the CBL; however, this alternative would directly impact biological resources. In particular, a permanent impact to wetlands would result where no direct, permanent impact to waters of the U.S., or wetlands would occur under the proposed project. The Pond 20 Alternative would meet all of the project's objectives, with the exception of the minimization of impacts to sensitive biological resources.

Remove Track/Railroad Bridge Rehabilitation Alternative:

The **Remove Track/Railroad Bridge Rehabilitation Alternative** assumes removal of existing damaged or unserviceable railroad track and ties, and rehabilitation of the two existing railroad trestle bridges in order to support the bikepath. The bridge rehabilitation would also consist of the placement of a concrete deck, and the addition of railing/fencing. This alignment would not avoid or lessen the significant impacts associated with the proposed project. Land use, biological resources and historical resources impacts would be greater under this alternative than with the proposed project. In addition, the Remove Track/Railroad Bridge Rehabilitation Alternative would meet all of the project's objectives, with the exception of the minimization of impacts to sensitive biological resources and the maintenance/preservation of the locally-designated historic components of the CBL.

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APPLICATION NO.
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#### Joint Use Alternative

The **Joint Use Alternative** assumes joint use of the bikepath and the railroad within the existing MTS right-of-way for the entire length of the project. The bikepath would parallel the rails and ties on the berm and for the length of the bridges. This alternative would require placement of a retaining wall and embankment fill to support the bikepath along the berm; and rehabilitation and/or modification of the existing trestle bridges to support the bikepath parallel to the existing bridge alignment. The Joint Use Alternative would lessen the project's impacts to the locally-designated historic CBL because impacts to the historic rails and ties would be avoided, and visual alteration of the bridges due to rehabilitation and/or modification would be less than that of the proposed project. However, this alternative would still result in a significant and unmitigable impact to land use and historical resources, as while impacts will be lessened, the alternative would still result in alteration of the components of the CBL. Mitigation similar to that of the proposed project would be required to avoid the potential significant impact to the prehistoric shell midden located within the project corridor. The Joint Use Alternative would, however, result in greater temporary wetland impacts than the proposed project, and would also result in permanent impacts to wetlands that would not occur under the proposed project. In addition, this alternative would meet all of the project's objectives, with the exception of the minimization of impacts to sensitive biological resources.

#### Joint Use Alternative Excluding Bridges

The **Joint Use Alternative Excluding Bridges** is similar to the Joint Use Alternative; however, this alternative would not rehabilitate and/or modify the existing trestle bridges. Instead, the Joint Use Alternative Excluding Bridges would place pre-fabricated bridges across the existing debilitated trestle bridges for the entire bridge spans, as would occur under the project. As with the Joint Use Alternative, under this alternative, the bikepath would parallel the rails and ties on the berm and would require placement of a retaining wall and embankment fill to support the bikepath on the berm. The Joint Use Alternative Excluding Bridges would avoid the project's impacts to the rails and ties on the berm; however, this alternative would still result the visual and structural alteration of components of the locally-designated historic CBL, as there would be some aesthetic alteration of the existing trestle bridge components of the CBL. The unmitigable impacts to land use and historical resources would be lessened, but not completely avoided. Mitigation similar to that of the proposed project would be required to avoid the potential significant impact to the prehistoric shell midden located within the project corridor. The Joint Use Alternative Excluding Bridges would, however, result in greater temporary and permanent wetland impacts than the proposed project, and would also result in permanent impacts to wetlands that would not occur under the proposed project. In addition, this alternative would meet all of the project's objectives, with the exception of the minimization of impacts to sensitive biological resources.

Other than the No Project Alternative, the Pond 20 Alternative is the only alternative that would avoid the unmitigable significant impact associated with the CBL. However, the Pond 20 Alternative would conversely result in significant permanent impacts to waters of the U.S. or wetlands not associated with the proposed project. Furthermore, this alternative is located within property under jurisdiction and owned by another entity (i.e., the San Diego Unified Port District). Approval of the proposed project would require the decision maker to make findings substantiated in the record which state that: (a) individual mitigation measures or project alternatives are infeasible; and (b) the overall project is acceptable despite significant impacts because of specific overriding considerations.